

DEPARTMENT OF THE INTERIOR,
CENSUS OFFICE.

ROBERT P. PORTER,
Superintendent.

Appointed April 20, 1889; resigned July 31, 1893.

CARROLL D. WRIGHT,
Commissioner of Labor in charge.
Appointed October 5, 1893.

EXTRA CENSUS BULLETIN.

THE FIVE CIVILIZED TRIBES

IN INDIAN TERRITORY:

The Cherokee, Chickasaw, Choctaw, Creek, and Seminole Nations.

WASHINGTON, D. C.
UNITED STATES CENSUS PRINTING OFFICE.

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CONTENTS.

THE FIVE CIVILIZED TRIBES.....	1-33
Introductory remarks.....	1
Official directory of Indian territory.....	1
Lands.....	1, 2
Description and history of the territory.....	2, 3
Census of 1890.....	3, 4
Population.....	4-7
General condition, 1890.....	7-9
Towns.....	9, 10
Industrial, social, and sanitary condition.....	10-13
Education.....	13-16
Church statistics.....	16-19
Revenues.....	19
Trust funds.....	20
Form of government.....	20
Laws of the Creek Nation.....	20, 21
United States Indian agent.....	21
United States courts.....	21, 22
United States land patents.....	22-24
Historical outline.....	24, 25
Cherokees in South Carolina.....	25, 26
Iroquoian family.....	26, 27
Creeks.....	27
Creeks in South Carolina.....	27, 28
Uchean family.....	28
Seminoles.....	28
History of the Choctaws and Chickasaws.....	29, 30
Muskhogeian family.....	30, 31
Survivors of the war of the rebellion.....	31, 32
Conclusions and suggestions.....	32, 33
CHEROKEE NATION, by Fletcher Meredith, special agent.....	34-43
DELAWARE INDIANS, by the special agent in charge.....	44-50
CHICKASAW NATION, by John Donaldson, special agent.....	51-55
CHOCTAW NATION, by John W. Lane, special agent.....	56-61
CREEK OR MUSKOGEE NATION, by William H. Ward, special agent.....	62-68
SEMINOLE NATION, by William H. Ward, special agent.....	69, 70

ILLUSTRATIONS.

Ferry at union of Grand and Arkansas rivers.....	2
Scenes in the Creek Nation	10
Creek, Seminole, and Cherokee school children.....	13
Talequah, capital of the Cherokee Nation.....	34
Reading the chief's message at Talequah, Cherokee Nation.....	36
Cherokee Senate.....	36
Council branch of the Cherokee Nation.....	36
Miss Ross, half-blood Cherokee; Joel B. Mayes, principal chief, Cherokee Nation, and John Jumper, Seminole	41
Delaware Indian relics ..	44
Rev. Charles Journeycake, chief of the Delawares.....	47
Residence of Charles Journeycake and Delaware pay house.....	47
Delaware delegates to Washington, 1867	48
Delaware Baptist church, Cherokee Nation.....	48
Chickasaw council house	52
General Pleasant Porter, E. H. Carnes and family, and Cherokee girls.....	58
Chief Justice Stidham, Ex-secretary Albert Pike McKillop, and Martin Nance, Creeks.....	64
Hon. L. C. Perryman and other Creek Indians	64

MAP.

Indian territory and Oklahoma	1
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LETTER OF TRANSMITTAL

DEPARTMENT OF THE INTERIOR,

CENSUS OFFICE,

WASHINGTON, D. C., August 25, 1894.

SIR :

I have the honor to transmit herewith a bulletin on the Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles of Indian territory, known collectively as The Five Civilized Tribes, prepared under the authority of a clause in the act of March 1, 1889, to provide for taking the Eleventh and subsequent censuses, viz: "The Superintendent of Census may employ special agents or other means to make an enumeration of all Indians living within the jurisdiction of the United States, with such information as to their condition as may be obtainable, classifying them as to Indians taxed and Indians not taxed".

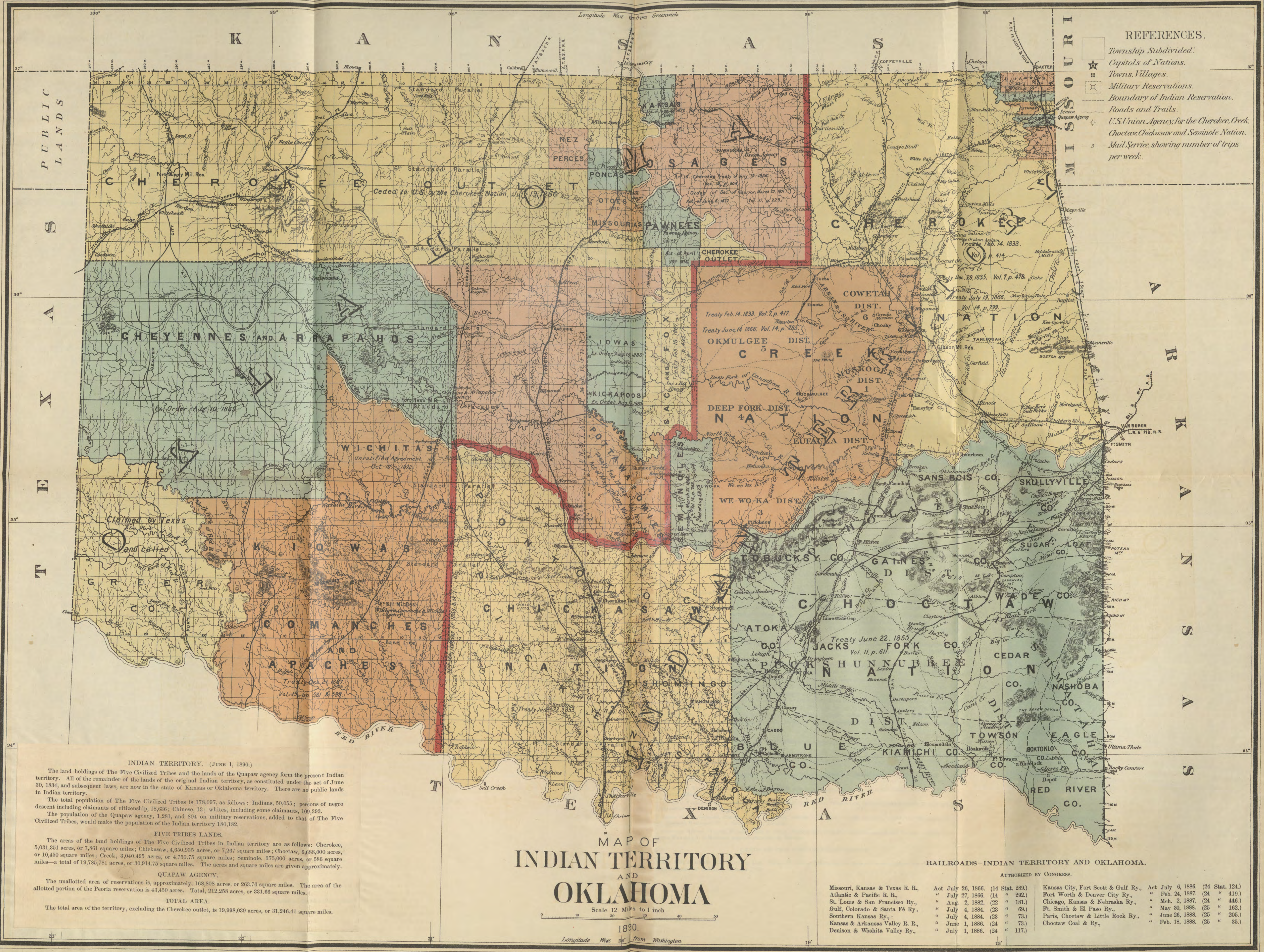
This bulletin on The Five Civilized Tribes was originally prepared by the special agent in charge, but his report has been revised and rearranged by the editors of the Census under my direction. Such revision and rearrangement, however, are not approved by him. The revision and the rearrangement have not in any way changed facts reported by him obtained from original sources, but relate mostly to construction and the elimination of matter obtainable from other official reports.

Very respectfully,

CARROLL D. WRIGHT,

Commissioner of Labor in charge.

The SECRETARY OF THE INTERIOR.



REFERENCES.

- Township Subdivided.
- Capitals of Nations.
- Towns, Villages.
- Military Reservations.
- Boundary of Indian Reservation.
- Roads and Trails.
- U.S. Union Agency, for the Cherokee, Creek, Choctaw, Chickasaw and Seminole Nation.
- Mail Service, showing number of trips per week.

INDIAN TERRITORY. (JUNE 1, 1890.)

The land holdings of The Five Civilized Tribes and the lands of the Quapaw agency form the present Indian territory. All of the remainder of the lands of the original Indian territory, as constituted under the act of June 30, 1834, and subsequent laws, are now in the state of Kansas or Oklahoma territory. There are no public lands in Indian territory.

The total population of The Five Civilized Tribes is 178,097, as follows: Indians, 50,055; persons of negro descent including claimants of citizenship, 18,636; Chinese, 13; whites, including some claimants, 106,393.

The population of the Quapaw agency, 1,281, and 804 on military reservations, added to that of The Five Civilized Tribes, would make the population of the Indian territory 180,182.

FIVE TRIBES LANDS.

The areas of the land holdings of The Five Civilized Tribes in Indian territory are as follows: Cherokee, 5,031,351 acres, or 7,861 square miles; Chickasaw, 4,650,935 acres, or 7,267 square miles; Choctaw, 6,688,000 acres, or 10,450 square miles; Creek, 3,040,495 acres, or 4,750.75 square miles; Seminole, 375,000 acres, or 586 square miles—a total of 19,785,781 acres, or 30,914.75 square miles. The acres and square miles are given approximately.

QUAPAW AGENCY.

The unallotted area of reservations is, approximately, 168,808 acres, or 263.76 square miles. The area of the allotted portion of the Peoria reservation is 43,450 acres. Total, 212,258 acres, or 331.66 square miles.

TOTAL AREA.

The total area of the territory, excluding the Cherokee outlet, is 19,998,039 acres, or 31,246.41 square miles.

MAP OF
INDIAN TERRITORY
AND
OKLAHOMA

Scale 12 Miles to 1 inch
1890.
Longitude West from Washington

RAILROADS—INDIAN TERRITORY AND OKLAHOMA.
AUTHORIZED BY CONGRESS.

Missouri, Kansas & Texas R. R., Atlantic & Pacific R. R., St. Louis & San Francisco Ry., Gulf, Colorado & Santa Fé Ry., Southern Kansas Ry., Kansas & Arkansas Valley R. R., Denison & Washita Valley Ry.,	Act July 26, 1866. (14 Stat. 289.) " July 27, 1866. (14 " 292.) " Aug. 2, 1882. (22 " 181.) " July 4, 1884. (23 " 69.) " July 4, 1884. (23 " 73.) " June 1, 1886. (24 " 73.) " July 1, 1886. (24 " 117.)	Kansas City, Fort Scott & Gulf Ry., Fort Worth & Denver City Ry., Chicago, Kansas & Nebraska Ry., Ft. Smith & El Paso Ry., Paris, Choctaw & Little Rock Ry., Choctaw Coal & Ry.,	Act July 6, 1886. (24 Stat. 124.) " Feb. 24, 1887. (24 " 419.) " Feb. 24, 1887. (24 " 446.) " May 30, 1888. (25 " 162.) " June 26, 1888. (25 " 205.) " Feb. 18, 1888. (25 " 35.)
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THE FIVE CIVILIZED TRIBES OF INDIAN TERRITORY.

[INDIANS NOT TAXED AND NOT UNDER CONTROL OF THE INDIAN OFFICE, BUT CARRIED ON ITS ROLLS.]

The Five Civilized Tribes of Indian territory are the Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles.

The Five Tribes are entirely self supporting, living on patented lands, with a large surplus each year from payments by the United States government and the results from an almost primitive system of agriculture. They have large herds of cattle, horses, and some sheep. They have several large towns and villages. No liquor is allowed in the territory or nations. There is a United States court, but its jurisdiction is limited. Capital offenses and felonies committed by others than Indians are tried in the United States district court either at Paris, Tex., or at Fort Smith, Ark.

There is an Indian agent at Muskogee in charge of what is known as "Union agency", which comprises The Five Civilized Tribes. His relations to the several tribes are regulated by the different treaties and by orders from the Secretary of the Interior.

The citizens of The Five Tribes are usually well housed in brick, frame, or log houses. Their horses, cattle, sheep, and swine, as well as tools and agricultural implements, are about the same as those of the average white people of Arkansas and Missouri. The land is largely used for grazing, and large hay crops are cut along river and creek bottoms. Enormous areas of the best lands are used by individuals for grazing and other purposes by merely running a plow furrow through or around the tract or using the same. One tract so used contains more than 50,000 acres. The owners of large herds who occupy these lands with their stock are opposed to allotting the lands in severalty.

The number of church communicants in The Five Civilized Tribes is large. They are given in detail on a subsequent page. Baptists, Methodists, and Presbyterians predominate. There are some pagan Indians remaining.

The laws and conditions governing The Five Civilized Tribes are peculiar and the people are reluctant to furnish information regarding them.

OFFICIAL DIRECTORY OF INDIAN TERRITORY.

Judge United States court, J. W. Shackelford, Muskogee ; United States marshal, T. B. Needles, Muskogee ; United States district attorney, L. F. Waldron, Muskogee ; Leo E. Bennett, United States Indian agent, Union agency, Five Tribes, Muskogee ; R. D. Martin, clerk, Muskogee ; T. J. Moore, United States Indian agent, Quapaw agency.

CHEROKEE NATION.—Capital, Tahlequah. Joel B. Mayes, principal chief, Tahlequah ; Samuel Smith, second chief, Tahlequah ; Robert Ross, treasurer, Tahlequah.

CHICKASAW NATION.—Capital, Tishomingo. William M. Guy, principal chief, Mill Creek ; Alexander Kennie, treasurer, Mill Creek ; J. W. Harris, auditor, Mill Creek.

CHOCTAW NATION.—Capital, Tuskahoma. B. F. Smallwood, chief, Atoka ; Allinton Telle, national secretary, Atoka ; N. B. Ainsworth, national auditor, McAlester ; Wilson Jones, treasurer, Caddo.

CREEK NATION.—Capital, Okmulgee. L. C. Perryman, principal chief, Tulsa ; Hotulka Emarthla, second chief, Wetumpka ; N. B. Moore, treasurer, Muskogee ; W. A. Palmer, auditor, Eufaula.

SEMINOLE NATION.—Capital, Wewoka. John F. Brown, principal chief, Sasakwa ; Hulputter, second chief, Wewoka ; Jackson Brown, treasurer, Wewoka ; T. S. McGeisey, superintendent schools, Wewoka.

LANDS OF THE FIVE CIVILIZED TRIBES.

The statement on the following page shows the lands belonging to each tribe as given in the report of the Commissioner of Indian Affairs for 1890.

STATISTICS OF INDIANS.

NAMES OF INDIAN RESERVATIONS, AGENCIES, TRIBES OCCUPYING OR BELONGING TO THE RESERVATION, AREA OF EACH RESERVATION (UNALLOTTED) IN ACRES AND SQUARE MILES, AND REFERENCE TO TREATY, LAW, OR OTHER AUTHORITY BY WHICH RESERVATIONS WERE ESTABLISHED.

NAMES OF RESERVATIONS.	Agency.	Name of tribe occupying reservation.	Area in acres.	Square miles. (a)	Date of treaty, law, or other authority establishing reserve.
Total Five Civilized Tribes.			25,694,564	40,147 $\frac{1}{4}$	
Cherokee.....	Union.....	Cherokee.....	65,031,351	7,861	Treaties of Feb. 14, 1833, vol. 7, p. 414, of Dec. 29, 1835, vol. 7, p. 478, and of July 19, 1866, vol. 14, p. 799.
Chickasaw.....	do.....	Chickasaw.....	4,650,935	7,267	Treaty of June 22, 1855, vol. 11, p. 611.
Choctaw.....	do.....	Choctaw (Chahta).....	66,688,000	10,450	Treaty of June 22, 1855, vol. 11, p. 611.
Creek.....	do.....	Creek.....	63,040,495	4,750 $\frac{3}{4}$	Treaties of Feb. 14, 1833, vol. 7, p. 417, and of June 14, 1866, vol. 14, p. 785, and deficiency appropriation act of Aug. 5, 1882, vol. 22, p. 265. (See annual report, 1882, p. liv.)
Seminole.....	do.....	Seminole.....	4375,000	586	Treaty of Mar. 21, 1866, vol. 14, p. 755. (See Creek agreement, Feb. 14, 1881, annual report, 1882, p. liv, and deficiency act of Aug. 5, 1882, vol. 22, p. 265.)
			2,281,893	3,565 $\frac{1}{2}$	Cherokee unoccupied lands between Cimarron river and one hundredth meridian, including Fort Supply military reservation.
			3,626,890	5,667	Cherokee unoccupied lands embraced within Arapaho and Cheyenne treaty reservation (treaty of Oct. 28, 1867, vol. 15, p. 593), west of Pawnee reservation (including Chilocco school reservation, 8,598.33 acres established by executive order of July 12, 1884).
			a Approximate.	b Outboundaries surveyed.	c Surveyed.
					d Agency abolished June 30, 1889.

DESCRIPTION AND HISTORY OF THE TERRITORY.

The present Indian territory lies between latitude 33° 35' and 37° N. and longitude 94° 20' and 98° W. The temperature varies from 12° to 99°. The mean temperature is 58°. Indian territory embraces a region larger than the state of South Carolina. There is a great diversity of soil, but the major portion is an alluvial of great fertility. There are fertile and well watered rolling prairies, with much timber and numerous rich river bottoms. About all of the best lands in the Indian territory, as created by the act of June 30, 1834, are now in The Five Civilized Tribes and Quapaw agency, as embraced in the area called Indian territory by the Oklahoma act of May 2, 1890. The oak forests, known as the cross timbers, some 30 or more miles in width, run from Texas through Indian territory to Kansas, with magnificent groves of enormous trees. The water supply is unsurpassed. It includes the North and South Canadian, Cimarron, Little Arkansas, Neosho or Grand, and the Verdigris, tributaries of the Arkansas river in the north and central portions, while the Red river and its tributaries water the southern portions. The Arkansas is navigable in certain stages of water above the junction of the Grand with the Arkansas, while steamboats are in daily use on the Red river along the entire southern boundary. In climate, resources, and possibilities Indian territory is one of the most favored portions of the United States. The climate is similar to that of northern Georgia, and its products are about the same. Extremes of heat and cold are not found. The winters are mild, and in summer, while the days are hot, the nights are cool.

The Indian territory was virtually settled by the Creek Indians first, at Old agency, in 1827. It was set aside for the use of certain Indians in 1829. Formed from a portion of the territory embraced in the Louisiana purchase of 1803, the area so utilized, now embraced in the Indian territory, the present state of Kansas, and the territory of Oklahoma, was of the public lands which President Thomas Jefferson suggested should be used "to give establishments to the Indians of the eastern side of the Mississippi in exchange for their present country". From 1803 to 1824 there was incessant war or conflict between the Indians of the South Atlantic states and the whites. The vast areas of arable land in that region held by the Indians for centuries teemed with a white population, energetic and progressive, which was constantly forcing the Indians to the wall. In addition many legal questions were rising from this Indian occupancy, the chief of which were between the states and the national government. In 1824 President Monroe made a recommendation to Congress that these tribes should be removed west of the Mississippi. In 1830, under President Jackson, their removal was ordered. Accordingly, in 1832, the Indian territory was selected and set apart for The Five Tribes, now denominated civilized, and beginning with 1833, the Cherokees, Choctaws, Creeks, and Chickasaws were removed thither, the Seminoles in 1846, and from time to time since remnants and parts of other tribes have been added. Specific areas of land west of the Mississippi were allotted to many tribes. The United States guaranteed these removed tribes to "forever secure to them or their heirs the country so exchanged with them". These new tracts of land were in exchange for lands held by the Indians east of the Mississippi. The nation paid the Indians, in some cases, large sums of money for areas sold and in excess of the western lands, and thus some of the present trust funds of tribes in the Indian territory originated. Most of the Indians removed to Kansas have long since left that state, and they can be found either in the Indian territory or in Oklahoma. The removal of most of these tribes was forced by the demands of immigration. The Cherokee, Chickasaw, Choctaw, and Creek tribes or nations have occupied about the same areas that they now occupy in Indian territory since their first settlement west of the Mississippi. The Seminoles have removed once.



New York Engraving & Printing Co.

Ferry at Union of Grand and Arkansas Rivers, 2 miles below Fort Gibson, Cherokee Nation. From a photograph by J. P. STANDFORD, Muskogee.

It was contemplated up to 1878 to make the Indian territory the home of all the wild Indians west of the Mississippi river and to the Sierra Nevada or coast range of mountains. Prior to May 2, 1890, it contained 44,154,240 acres, or 68,991 square miles.

In 1878 President R. B. Hayes refused to send any more wild Indians to the Indian territory. He found that the arable lands were in the possession of The Five Tribes, Osages, Sacs and Foxes, the Pottawatomies, and the few adjacent tribes, and that the remaining great area, on a portion of which the Arapahoes and Cheyennes have recently been allotted, and which the Kiowas, Comanches, Wichitas, and Oklahomas now occupy in part, was virtually a desert, and unfit for the support of those whom it was proposed to place there.

Under treaty stipulations made in 1866 a general council of delegates, legally elected from the tribes resident in the Indian territory, was to meet at Okmulgee, Creek Nation, in May of each year. The first session was held in 1869. The council continued its organization for several years, but came to nothing, and is now in disuse. In December, 1870, delegates to one of these councils made a constitution for the Indian territory, which was submitted to the various tribes, but was not adopted. All of this was with a view to the formation of a state government in the Indian territory, and in pursuance of the 12 articles of the treaty of 1866 between the United States and The Five Tribes. Tribal jealousies killed this movement. In addition, the land question of The Five Tribes was different from that of the wild or reservation tribes.

CENSUS OF 1890.

Each of The Five Tribes takes a census very often; some every five years, some oftener. The peculiar method of government in the nations, whereby the authorities at the several capitals are kept advised by the Light Horse (police) or town, county, or district authorities of changes, enables them to keep fairly authentic lists of the population. This is done chiefly for the purpose of resisting the claims of persons desiring to be known as citizens of the tribes and participants in land divisions and the money to be divided between these Indians on account of sales of surplus lands. Such records as matters of proof will be invaluable in the future, as they will fix the date of settlement of many claimants.

The enumerators of The Five Civilized Tribes in the Indian territory for the United States census were mostly Indians, appointed on the recommendation of the governors or principal chiefs, but some changes were made, and almost all were changed in one of the tribes, for reason. Four special agents were sent to the Indian territory to supervise the work by an agreement with the governors or their representatives. The wisdom of this policy was apparent, when the peculiar nature of Indian political conditions became known.

Much opposition was shown to the census. The Creek and Seminole authorities aided it, however, by legislative action. They urged the residents to give information to the enumerators, but meetings were held to resist them. Under the circumstances, it was decided to ask as few questions as possible, and to get, as a rule, the general statistics of population. It was found difficult to obtain other statistics. The four special agents in charge visited the nations, and their reports give their observations in detail. The unsettled condition of the Indian territory and the constant clashing between the whites, called intruders, and the Indians or their authorities produced a prejudice against the census, which was hard to overcome.

The citizens of The Five Tribes watch with a jealous eye each movement of the United States or its agents, as questions of vast moment are pending. This made them chary of answering questions proposed by the enumerators or special agents.

A serious difficulty was met in the answer to "Are you an Indian"? Under the laws of The Five Tribes or nations of the Indian territory a person, white in color and features, is frequently an Indian, being so by remote degree of blood or by adoption. There are many whites now resident claiming to be Indians whose claims have not as yet been acted upon by the nations. Negroes are frequently met who speak nothing but Indian languages, and are Indians by tribal law and custom, and others are met who call themselves Indians, who have not yet been so acknowledged by the tribes. These circumstances necessarily produced some confusion as to the number of Indians separately designated. However, the total population as given is correct.

The difficulties surrounding the taking of this census were augmented by the fact that in enrolling the Indians it frequently occurred that it was necessary to equip two and sometimes three interpreters to accompany the enumerator to converse with Indians in the same locality. The residents of The Five Civilized Tribes, citizens or otherwise, pay no taxes on real or personal property, and there are no assessments for this purpose.

CENSUS DISTRICTS.—In the Cherokee Nation were the following 9 districts: Canadian, Cooweeskoowee, Delaware, Flint, Going Snake, Illinois, Saline, Sequoyah, and Tahlequah.

In the Chickasaw Nation were four counties: Panola, divided into two districts for census purposes; Pickens, divided into eight districts for census purposes; Pontotoc, divided into three districts for census purposes, and Tishomingo, divided into two districts for census purposes.

In the Choctaw Nation the three judicial districts were followed for census purposes: first judicial district—Gaines county, Sans Bois county, Scullyville county, Sugar Loaf county, and Tobucksy county; second judicial district—Apuckshamby county, Boktoklo county, Eagle county, Red River county, Wade county, and Wolf county; third judicial district—Atoka county, Blue county, Jacks Fork county, Jackson county, and Kiamichi county.

STATISTICS OF INDIANS.

In the Creek Nation the six districts were followed for census purposes: Cowetah district, Deep Fork district, Eufaula district, Muscogee district, Okmulgee district, and Wewoka district.

In the Seminole Nation there were no counties or districts.

POPULATION.

The population (a) of The Five Civilized Tribes was found to be 178,097, as follows: Indians of The Five Tribes living in their own tribes, 45,494; other Indians, including many Indians of The Five Tribes who were found in other tribes than their own, 4,561; total Indians, 50,055; Indian citizen negroes and others of negro descent, 18,636; Chinese, 13; whites, including some claimants of Indian citizenship, 109,393.

The following table gives the total population of The Five Civilized Tribes by sex and by race for each tribe:

POPULATION OF THE FIVE CIVILIZED TRIBES, BY SEX AND BY RACE.

NATIONS.	Total.	BY SEX.		BY RACE.				
		Male.	Female.	Indians.		Of negro descent, including claimants.	Whites, including claimants.	Chinese.
				In their tribes.	Out of their tribes.			
The Five Tribes.....	178,097	95,373	82,724	45,494	4,561	18,636	109,393	13
Cherokee.....	56,309	29,781	26,528	20,624	1,391	5,127	29,166	1
Chickasaw	57,329	30,916	26,413	3,941	1,282	3,676	48,421	9
Choctaw.....	43,808	23,615	20,193	10,017	1,040	4,406	28,345	.....
Creek *	17,912	9,586	8,326	9,291	708	4,621	3,289	3
Seminole	2,739	1,475	1,264	1,621	140	806	172	.....

* Sex estimated for Creek Nation on basis of ratio shown in the rest of the territory.

The following table shows the relation of Indians by blood to the total of other races:

NATIONS.	TOTAL POPULATION.		INDIANS.		OTHER RACES.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
The Five Tribes.....	178,097	100.00	50,055	28.11	128,042	71.89
Cherokee.....	56,309	100.00	22,015	39.10	34,294	60.90
Chickasaw	57,329	100.00	5,223	9.11	52,106	90.89
Choctaw.....	43,808	100.00	11,057	25.24	32,751	74.76
Creek.....	17,912	100.00	9,999	55.82	7,913	44.18
Seminole.....	2,739	100.00	1,761	64.29	978	35.71

POPULATION OF CHEROKEE NATION, INCLUDING ALL RACES, BY DISTRICTS, BY SEX, AND BY AGE PERIODS.

DISTRICTS.	Aggregate.	TOTAL.		UNDER 5.		6 TO 17.		18 AND OVER.		HEADS OF FAMILIES.	
		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Total	56,309	29,781	26,528	5,517	5,287	9,103	8,769	15,161	12,472	10,308	1,041
Canadian.....	5,714	3,016	2,698	574	562	924	940	1,518	1,196	1,065	99
Cooweeskoo-wee.....	17,943	9,669	8,274	1,613	1,604	2,709	2,680	5,347	3,990	3,368	237
Delaware.....	8,859	4,742	4,117	860	859	1,455	1,326	2,427	1,932	1,630	110
Flint	2,531	1,285	1,246	272	268	451	402	562	576	403	56
Going Snake.....	3,860	1,993	1,867	410	368	667	612	916	887	630	71
Illinois	5,040	2,669	2,371	511	461	815	789	1,343	1,121	1,036	162
Saline.....	1,983	1,054	929	207	167	323	300	524	462	366	39
Sequoyah.....	4,971	2,645	2,326	544	467	866	796	1,235	1,063	928	93
Tahlequah	5,408	2,708	2,700	526	531	893	924	1,289	1,245	882	174

a The population of Indian territory in 1890 was 180,182, as follows: The Five Tribes, 178,097; Quapaw agency, 1,281; whites and colored on military reservations, 804.

The Cherokee national census of 1890 showed the total number of citizens of the Cherokee Nation under Cherokee laws to be 25,978, as follows:

Canadian district.....	2,302
Cooweeskoowee district.....	5,621
Delaware district.....	3,893
Flint district.....	1,881
Going Snake district.....	2,675
Illinois district.....	2,686
Saline district.....	1,514
Sequoyah district.....	1,440
Tahlequah district.....	3,966

The Cherokee national census of 1880 showed a citizen population of 20,336, from which there is an apparent gain of 5,642 in the 10 years from 1880 to 1890 upon the basis of Cherokee censuses.

POPULATION BY COLOR.—Total, 56,309. Cherokee, 20,624, of whom 11,531 are pure bloods; other Indians, 1,391; persons of negro descent, 5,127, including negro, 4,658; mulatto, 421; octoroon, 14; quadroon, 32; negro Choctaw, 1; negro Cherokee, 1; white, 29,166; Chinese, 1.

POPULATION OF CHICKASAW NATION, INCLUDING ALL RACES, BY COUNTIES, BY SEX, AND BY AGE PERIODS.

COUNTIES.	Aggregate.	TOTAL.		UNDER 5.		6 TO 17.		18 AND OVER.		HEADS OF FAMILIES.	
		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Total	57,329	30,916	26,413	5,955	5,774	9,445	8,907	15,516	11,732	10,064	459
Panola county	2,879	1,526	1,353	312	268	467	489	747	596	509	32
First district.....	1,495	791	704	156	150	240	242	395	312	262	16
Second district.....	1,384	735	649	156	118	227	247	352	284	247	16
Pickens county	40,299	21,836	18,463	4,269	4,075	6,731	6,200	10,836	8,188	6,980	282
First district.....	3,121	1,702	1,419	302	290	481	490	919	639	536	36
Second district.....	5,112	2,725	2,387	553	519	855	846	1,317	1,022	853	37
Third district.....	7,741	4,243	3,498	821	832	1,388	1,119	2,034	1,547	1,296	50
Fourth district.....	3,025	1,622	1,403	335	334	497	430	790	639	559	31
Fifth district.....	4,086	2,200	1,886	415	415	660	644	1,125	827	686	28
Sixth district.....	4,783	2,541	2,242	533	497	799	789	1,209	956	827	21
Seventh district.....	4,071	2,232	1,839	475	393	684	605	1,073	841	768	23
Eighth district.....	8,360	4,571	3,789	835	795	1,367	1,277	2,369	1,717	1,455	56
Pontotoc county	9,135	4,867	4,268	896	893	1,434	1,459	2,537	1,916	1,679	105
First district.....	1,714	933	781	157	167	265	288	511	326	300	15
Second district	3,508	1,912	1,596	344	349	520	492	1,048	755	693	33
Third district.....	3,913	2,022	1,891	395	377	649	679	978	835	686	57
Tishomingo county... ..	5,016	2,687	2,329	478	538	813	759	1,396	1,032	896	40
First district	2,604	1,408	1,196	239	281	441	403	728	512	477	8
Second district.....	2,412	1,279	1,133	239	257	372	356	668	520	419	32

POPULATION BY COLOR.—Total, 57,329. Chickasaw, 3,941, including pure blood Chickasaw, 3,129; white Chickasaw, 681; negro Chickasaw, 122; mulatto Chickasaw, 9. Other Indians, 1,282, including Choctaw, 760; Cherokee, 149; Creek, 22; Shawnee, 3; Seminole, 1; Delaware, 4; Pottawatomie, 4; Caddo, 3; Pottawatomie-Cherokee, 1; Wyandotte, 2; white Cherokee, 56; white Choctaw, 230; white Creek, 2; white Shawnee by marriage, 1; white Wyandotte, 1; negro Cherokee, 4; negro Choctaw, 27; negro Creek, 12. Persons of negro descent, 3,676, including negro, 3,651; mulatto, 20; quadroon, 3; octoroon, 2. White, 48,421. Chinese, 9.

STATISTICS OF INDIANS.

POPULATION OF CHOCTAW NATION, INCLUDING ALL RACES, BY COUNTIES, BY SEX, AND BY AGE PERIODS.

COUNTIES.	Aggregate.	TOTAL.		UNDER 5.		6 TO 17.		18 AND OVER.		HEADS OF FAMILIES.	
		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Total.....	43,808	23,615	20,193	4,130	4,180	6,925	6,550	12,560	9,463	8,443	666
First district.....	23,188	12,708	10,480	2,232	2,293	3,647	3,428	6,829	4,759	4,314	304
Gaines county.....	2,504	1,435	1,069	223	225	327	319	885	525	464	28
Sans Bois county.....	6,075	3,286	2,789	631	730	1,054	896	1,601	1,163	1,141	38
Scullyville county.....	3,948	2,059	1,889	391	405	701	663	967	821	691	46
Sugar Loaf county.....	2,587	1,365	1,222	289	223	435	437	641	562	499	31
Tobucksy county.....	8,074	4,563	3,511	698	710	1,130	1,113	2,735	1,688	1,519	161
Second district.....	7,277	3,711	3,566	698	716	1,161	1,130	1,852	1,720	1,493	168
Apuckshamby county.....	1,266	621	645	101	104	207	228	313	313	246	27
Boktoklo county.....	382	191	191	30	35	59	57	102	99	79	16
Eagle county.....	1,155	579	576	135	133	184	197	260	246	213	21
Red River county.....	1,914	1,014	900	201	173	319	259	494	468	379	36
Wade county.....	1,012	529	483	88	103	148	163	293	217	249	9
Wolf county.....	80	45	35	11	11	16	10	18	14	16	.....
Wade and Wolf counties.....	1,468	732	736	132	157	228	216	372	363	311	59
Third district.....	13,343	7,196	6,147	1,200	1,171	2,117	1,992	3,879	2,984	2,636	194
Atoka county.....	5,129	2,820	2,309	438	463	734	712	1,648	1,134	1,022	76
Blue county.....	4,195	2,246	1,949	388	373	741	639	1,117	937	821	44
Jacks Forks county.....	1,361	756	605	138	114	208	180	410	311	276	17
Jackson county.....	1,072	557	515	100	79	196	190	261	246	194	13
Kiamichi county.....	1,586	817	769	136	142	238	271	443	356	323	44

POPULATION BY COLOR.—Total, 43,808. Choctaw, 10,017. Other Indians, 1,040, including Indian negro, 214; Indian mulatto, 15; Cherokee, 87; Creek, 36; Chickasaw, 120; Mohawk, 4; Muscogee, 2; Catawba, 2; Chippewa, 5; Choctaw, one-half, 163; one-fourth, 7; white, three-fourths Choctaw, 1; white, one-half Choctaw, 4; white, one-fourth Choctaw, 5; white, one-eighth Choctaw, 2; one-sixteenth Choctaw, 12; white Choctaw, 122. White married to Indian, 8; negro married to Indian, 5; quadroon married to one-half Indian, 1. Negro Choctaw, 207; Cherokee octoroon, 1; Choctaw quadroon, 2; Choctaw, one-fourth Indian, 8; Choctaw, three-fourths Indian, 4; Choctaw, one-eighth Indian, 2; one-sixteenth Cherokee, 1. Persons of negro descent, 4,406, including negro, 4,357; quadroon, 4; octoroon, 13; mulatto, 32. White, 28,345.

POPULATION OF CREEK NATION, INCLUDING ALL RACES, BY DISTRICTS.

DISTRICTS.	Total.	Creek Indians.	OTHER INDIANS.									Whites.	Negroes.	Chinese.
			Cherokees.	Seminoles.	Choctaws.	Chickasaws.	Stock-bridges.	Sioux.	Canadians.	Shawnees.	Pottawatomies.			
Total.....	17,912	9,291	462	172	31	9	1	1	1	3	28	3,289	4,621	3
Cowetah.....	3,220	832	80	21	6	2	.....	.....	.....	.....	.....	359	1,920	.....
Deep Fork.....	1,823	1,438	2	43	.....	.....	.....	.....	.....	.....	.....	134	206	.....
Eufaula.....	3,859	1,815	15	4	6	3	.....	.....	.....	.....	.....	1,048	968	.....
Muscogee.....	4,928	2,548	354	18	16	4	.....	.....	.....	2	28	1,336	619	3
Okmulgee.....	2,191	1,335	7	13	.....	.....	1	1	.....	.....	.....	299	533	.....
Wewoka.....	1,891	1,323	4	73	3	.....	.....	.....	.....	.....	.....	113	375	.....

The table shows: whites, 3,289; Creek Indians, enrolled as such, 9,291; negroes, enrolled as such, 4,621, many of whom are negro Creeks and claimants; 708 Indians, other than Creeks, given in detail above; 3 Chinamen.

The 708 Indians other than Creeks are: 462 Cherokees, 172 Seminoles, 31 Choctaws, 9 Chickasaws, 1 Stockbridge, 1 Sioux, 1 Canadian Indian, 3 Shawnees, and 28 Pottawatomies. It is probable then that in Cowetah district the Eucheas may have been enrolled among those of negro descent. Some, enrolled as white, may have been quarter and eighth bloods.

The Creek national census of 1890 gave 14,800 Creeks. This included the recognized Creeks of negro descent, but not the other Indians, claimants of negro descent, or whites. The census enumerators for the Creeks were almost all Creeks or of negro descent, and probably attempted to define citizenship as they knew it by Creek law. On the abstracts they gave the Indians other than Creeks as colored.

POPULATION OF SEMINOLE NATION, INCLUDING ALL RACES.

RACE.	Total.	Males.	Females.
Total	2,739	1,475	1,264
Indians (a)	1,761	903	858
Whites	172	108	64
Negroes	806	464	342

a Seminoles, 1,621; Creeks, 133; Cherokees, 5; Shawnees, 2.

The column for negroes embraces the pure negroes and those of mixed Seminole blood. The Seminoles intermarry with negroes. It is probable that the 806 of negro descent are almost all classed by the Seminoles themselves as Seminoles. The 1,621 Seminoles are those of full, three-quarter, or half blood.

GENERAL CONDITION OF THE FIVE TRIBES: 1890.

The condition of The Five Tribes of Indian territory, as shown by the census of 1890, personal investigation, and the reports of special agents, is that of a self sustaining, fairly industrious, and law abiding people. They live in a land without assessment or taxes. The term "civilized" was originally applied to them in contradistinction to the life of the wild Indian tribes, but as a whole their condition is not the civilization of the Anglo-Saxon. The Indians of The Five Civilized Tribes, or a large number of them, are quarter and half breeds; in fact, are white men in features. They are generally progressive; but the most obstinate opponents of change are found among them.

They have no written history. The majority of them still use the Indian language. The Cherokees have an alphabet. Their books and laws are printed in it. More than one-fourth of all the care and treaties and laws for Indians since 1815 has been for The Five Civilized Tribes. They have occupied a large share of official time since 1800. They are called nations and occupy separate areas covered by patents. They have governors or principal chiefs, elective legislatures, variously named, elective courts, and officers and police. Some minor divisions are called counties and some districts. Except the Seminoles, all the nations have written or printed constitutions and laws. They have schools of their own and charities and churches in profusion. Their school books are in English. Newspapers are numerous and post offices plenty. The civilization of The Five Tribes has not been accomplished without a vast expenditure of time and money by white people. No Indians in the United States have received such care from the whites or have been aided so much by the United States. The trust fund interest paid them by the United States has amounted to tens of millions. No figures are at hand to verify this, but \$25,000,000 would be a small estimate. Much of their progress is due to a large negro population in the several nations. The greater portion of these negroes were at one time slaves, and they are now the laborers of The Five Tribes. They are fairly well advanced and are steadily increasing in numbers, wealth, and intelligence. In 1836 Albert Gallatin stated that the number of plows in The Five Tribes answered for the number of able bodied negroes.

The Creek Nation is an alert and active one, which is largely due to the negro element which fairly controls it. In the Choctaw Nation it is death for an Indian to intermarry with a negro. In any of The Five Tribes where the negroes have a fair chance there is a perceptible progress due to them.

The negroes are among the earnest workers in The Five Tribes. The Creek Nation affords the best example of negro progress. The principal chief, virtually a negro, comes of a famous family in Creek annals. His name is Lequest Choteau Perryman. He was born in the Creek Nation, Indian territory, March 1, 1838; educated at Tallahassee Mission of the same nation, enlisted in the Union army in Kansas November, 1862, and was mustered out as sergeant major of the first regiment Indian Home Guards, 1865. He served as district judge of the Coweta district, Muskogee Nation, six years; was elected to the council and served 13 years. He was elected principal chief and inaugurated December 5, 1887, for the term of four years.

The negroes, once slaves of The Five Tribes, are of much interest in connection with the final settlement of the land question. The Five Tribes, except the Seminoles, all owned slaves prior to and during the war. These were freed by the proclamation of emancipation, and this was enforced and confirmed, after much protest, by the treaty of 1866. In 1860 the total number of slaves held by The Five Tribes was 7,369. The Seminoles held no slaves in Indian territory, but they intermarried with negroes. Since the war there has been a very large increase in the negro population of The Five Tribes by immigration from the old slave states adjacent. The negro question in the Cherokee, Chickasaw, and Choctaw Nations, the equities and rights of these people in the lands of The Five Tribes, and as to citizenship, have yet to be properly settled.

The population of negro descent in The Five Tribes, which includes former slaves, in 1890 was as follows: with the Cherokees, 5,127; Chickasaws, 3,676; Choctaws, 4,406; Creeks, 4,621; Seminoles, 806; total, 18,636.

In a country where land is virgin, fertile, and its use is to be had for the mere occupancy, there is but small inducement for careful or close farming. Poor roads prevent marketing crops, so cattle raising is a better occupation than farming. Much farming of The Five Tribes is merely for a livelihood. Crops of corn are frequently left to rot because of the cost of transportation to a market.

While great and constant efforts are made toward progress in education, and steady improvement is manifest, it must be understood that the education of the ordinary day or neighborhood schools is of a limited kind. School terms consist of about from four to five months of the year. The best and highest education comes from efforts entirely without The Five Tribes.

The noncitizens in The Five Tribes have a few schools sustained by private contributions, subscriptions, and fees. Many of the more wealthy noncitizens send their children to schools in the adjoining states.

The members of The Five Civilized Tribes wear citizens' clothing. Ninety per cent of them practice the white man's ways and have his customs. Now and then a man can be found with an Indian pipe, and sometimes one wears moccasins, and shawls are worn as well as blankets. The Creeks and the Choctaws still keep up their ball play, and old Indian dances are still held in some of the nations. Some individuals of The Five Tribes are still classed as old time Indians and maintain a sturdy adherence to the old Indian faith. Medicine men are still to be found with them. Even among the Delawares in the Cherokee Nation can be found the survival of many old Indian dances and customs.

No distilled spirits are supposed to be sold in The Five Tribes. In 1890, to June 1, the distilled spirits used in the arts, manufactures, and for medicine in The Five Tribes, as shown by returns from retail apothecaries, were: ordinary gallons of whisky, 20; ordinary gallons of brandy, 16; ordinary gallons of gin, 5. Liquors are smuggled in, sold, and drunk. One extraordinary article of distillation, known as "white mule", is used in the eastern part of the territory. It is a villainous moonshine whisky, distilled in the Ozark mountains of Arkansas. Its effects probably cause one-half of the crimes in that portion of the territory.

Roads are poor and bridges across streams few and far between.

The party machinery in use in the Cherokee Nation in some features seems to be more advanced than the methods in use among the whites. The "barbecue" and "still hunt" are middle state methods. The method of viva voce voting is an old system.

The judges or inspectors of election, four in number, are seated around a table under a shady tree. The space of 50 feet all around this table is guarded, no person being allowed to approach within the limited space. When any person wishes to vote he approaches the table, tells the name of his choice and for whom he wishes to record his name, repeating each name until all the candidates on the list for offices are voted for. After the polls are closed the result is summed up and announced.

LICENSES.—Licenses to trade in The Five Tribes were formerly issued by the Secretary of the Interior; now, in addition, they are issued by authority of the several tribes or nations.

Citizenship in The Five Tribes is regulated by tribal laws, and the right to make such laws has been conceded to them by the United States. Freedmen and other negroes become citizens of some of the tribes under said laws. The United States urged and then directed much of the legislation as to the negroes.

In the towns of The Five Nations, even the Indian towns, pure Indians are few and far between. In the country some are met. Negro Indians, especially in the Creek Nation, can be found in abundance, and some speak only the Creek language. The Indians of The Five Tribes are largely one-half and one-fourth bloods and resemble white men more than Indians. The illustrations in this bulletin are typical, and show comparatively few full blood Indians. One constantly hears the remark from travelers in Indian territory, "Why, where are the Indians?"

Clans in towns are still preserved with the Creeks (*a*), and among the Delawares with the Cherokees, and "bands" are noted still with the Seminoles.

a The following is an account of the Creek towns in the Creek Nation by Governor L. C. Perryman, principal chief of the Creek Nation:

"It is quite difficult to locate all of the Creek towns now on the map of the Muskogee Nation, at least some of them, as some of the citizens of the different towns are scattered all over the nation, but I have done so as near as I can. The general map you send me is not correct [map of 1882]. To explain now why our people live in this way [in towns] would be a hard thing to do. These towns, as they are called, have existed from time immemorial with the Creeks. We have had more towns, but some are now extinguished. The system grew out of the necessity of reaching our people quickly, and thus give the central control knowledge of the wants of our people.

"It would take a volume to explain to you the authority each town used to have under the old customs, each having a king and warriors, that is, the power each then had, which aggregated powers made the old Creek confederacy, which is now the Creek or Muskogee Nation. Those fires in each town are still to be seen by seeing representatives of the towns in our councils. This town system is based upon communism. As long as the council represents towns the holding of lands by citizens of the nation in common will always be the rule, and I think it is the best way of holding lands for the poor class of citizens in any country. Our council, which meets at Okmulgee, consists of two bodies, the house of kings and the house of warriors. The members are the kings and warriors of the towns. No real patriotism can exist among our people, except as it comes direct from the traditions of these several towns."

Towns.—1. Coweta. 2. Broken Arrow. 3. Cheyaha. 4. Locharpoka. 5. Conchartey. 6. Hechete. 7. Cussehta. 8. Taskeke. 9. Tulsa (Canadian). 10. Tulsa (Little River). 11. Noyarka (Nuyarka). 12. Alfaska (Okfaska). 13. Arbekoche. 14. Arbeka. 15. Arbeka 2d. 16. Asselarnape or Grunlief (Ussalarnuppee or Green Leaf). 17. Oewohka. 18. Tharthoculka or Fish Pond. 19. Tharprakko (Tharphllocco). 20. Tokebachee. 21. Thewahley. 22. Kialiga (Kialigee). 23. Tokpafka. 24. Talmochassee (Talmochussee). 25. Yoofula 1st (Eufaula). 26. Yoofula 2d (Eufaula). 27. Pakantalahassee. 28. Hillarbe. 29. Chartarksofka. 30. Kichopatake. 31. Artussee. 32. Tallahossochee (Tallahassochee). 33. Allabama (Alabama). 35. Osochee. 36. Oeokofke. 37. Okcharye. 38. Ocheypofa. 39. Talwathakko. 40. Taltartoga (Tulladegee). 41. Hutschechapa (Hutshecuppa). 42. Quassartey 1st. 43. Quassartey 2d. 44. Yoochee (Euchee). 45. Big Spring. 46. Arkansas (colored, newly organized). 47. North Fork (colored, newly organized). 48. Canadian (colored, newly organized).

CRIME.—The crimes committed by the citizens of The Five Tribes are usually promptly punished. By the treaty of 1866 Indian courts alone punish Indian criminals. The offenses are generally less than felonies and are comparatively few. Few murders are committed by citizens. The intruder or noncitizen population contributes 80 per cent of the murders. Recently at Fort Smith, Arkansas, the ninety-sixth murderer in that jurisdiction was hanged. More than sixty of them were stated as being from Indian territory. Indian citizens are executed by their own people in the several nations. In The Five Tribes the proportion of crimes committed is as small as in any other community of like population in the west. Ten men, it is stated, have been executed in the Cherokee Nation within the past twenty years.

When an Indian is condemned to death by shooting he is given a period, 30 days usually, in which to go home and fix up his affairs. He goes without guard or control, arranges all of his earthly matters, bids his friends and family good-by, returns at the time appointed, and is promptly shot.

Not one man of the many so permitted to go home after conviction, up to 1890, has failed to appear for execution.

The act of May 2, 1890, organizing the territory of Oklahoma and defining the boundaries of Indian territory, contained a section under which members of The Five Tribes could become citizens of the United States. To June 1, 1890, no person had taken advantage of this law.

SECTION 43. That any member of any Indian tribe or nation residing in the Indian territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States; and the Confederate Peoria Indians residing in the Quapaw Indian agency, who have heretofore or who may hereafter accept their land in severalty under any of the allotment laws of the United States, shall be deemed to be, and are hereby, declared to be citizens of the United States from and after the selection of their allotments, and entitled to all the rights, privileges, and benefits as such, and parents are hereby declared from that time to have been and to be the legal guardians of their minor children without process of court: Provided, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong.

INTRUDERS.—The class called intruders includes those residing in The Five Tribes who are not recognized as citizens by the laws or authorities of said tribes or who do not pay the annual license fee. The question of citizenship will have to be considered by Congress in final settlement.

The authorities of The Five Tribes are very earnest in opposition to intruders. The serious difficulty is that they are now so numerous. The following article upon this topic is from the fourth annual report of J. B. Mayes, principal chief of the Cherokees:

This question has become sickening to the pride of every Cherokee who has a bona fide interest in this nation, and is enough to arouse his indignation and vengeance, after having endured the burden, hardships, and expense of owning and holding this country for themselves and posterity, to be compelled to sit quietly and see a herd of vagabonds organizing themselves into a "citizenship association", with a fund placed by it in the hands of unscrupulous lawyers to carry out one of the boldest robberies ever perpetrated on a people. This lawless class of marauders, who have come from the four corners of the earth, have fastened themselves upon our rich soil and claim to be Cherokees by blood, appealing to the United States government for protection in carrying out this infamous scheme. It makes no difference from what country he hails, if he only has the initiation fee of five dollars, he is duly ingrafted into said association and then instructed by the leader to make improvements on Cherokee land. How wonderfully strange the officers of the United States government, whose duty it is to remove them, after knowing all the facts connected with this fraud, will listen to their plea and afford them protection. While recently in Washington, the Commissioner of Indian Affairs gave me his sacred promise that he would see that they were removed, but many means and ways are used to defeat this purpose.

The matter passes through many hands, many formalities are gone through with, and finally the proper officer loses sight of it, thereby this outrage goes on unsettled. This class of persons has been here for years, and in many instances accumulated fortunes by the use of our soil and the sale of our timber without paying one cent for the support of the government, and at the same time ignoring every statute on our law books.

Now, I recommend that you make a last appeal to the government for their removal, and if this effort should prove futile, that you provide for their removal at the hands of the proper officer of this nation. It would be better for the nation to suffer in the act of removing the intruder than to be both insulted and robbed. Self protection is the first law of nature. We do not deserve to own homes if we are not willing to make a sacrifice in protecting them. The Cherokee Nation has for the last twenty years begged, prayed, and pled with the government to carry out its treaty agreements for the removal of intruders, but nothing has been done, and they are daily coming into our country and settling on our soil.

TOWNS IN THE FIVE CIVILIZED TRIBES.

The towns occupied by the noncitizens, called intruders, are merely camps, but with valuable and important buildings. There are no town limits, sewers, water supply, police, fire departments, or any of the ordinary features of organized communities. The United States court has jurisdiction of civil suits between or affecting noncitizens of The Five Tribes, and under this authority appoints United States commissioners in each of the towns and deputy United States marshals as well, who act as officers for the commissioners.

The Indian who owns or claims the occupancy title to the lands on which the noncitizen towns are situated collects rents from the lot holders. The permit collectors of taxes on nonresidents for license to trade, or practicing the professions, or to reside in a nation, closely watch the incoming of the noncitizen residents of towns.

It is difficult to enroll a town as such in Indian territory, as there are no town lines. Not one town in Indian territory is incorporated, there being no law to incorporate town sites. Persons, other than citizens, building houses in towns or cities do so at their own risk. They usually pay yearly rentals for the privilege to the Indian citizen who claims the land. Most of the towns are built adjacent to railroads and near the strips of land which the railroad companies own, 200 feet wide and 2,000 feet in length, where such towns or stations are located.

The population of the towns, as obtained by the enumerators, is as follows:

CHEROKEE NATION.—Tahlequah, 1,200; Vinita, 1,200.

CHICKASAW NATION.—Ardmore, 2,100; Purcell, 1,060; Wynnewood, 398; Pauls Valley, 206; Marietta, 110; Dougherty, 103; Benogn, 95.

CHOCTAW NATION.—Lehigh, 1,600; McAlester, 3,000; Krebs, 3,000; Caddo, 2,170; Atoka, 800; Coalgate, 818; Hartshorn, 939.

CREEK NATION.—Muskogee, 1,200; Okmulgee, 136; Eufaula, 500.

SEMINOLE NATION.—Wewoka, 25; a mere hamlet about the council house and post office.

POST OFFICES FOR THE FIVE TRIBES.—There are 63 post offices in the Cherokee Nation; 76 in the Chickasaw Nation; 73 in the Choctaw Nation; 6 in the Creek Nation, and 4 in the Seminole Nation.

INDUSTRIAL, SOCIAL, AND SANITARY CONDITION.

It is only possible to estimate the agricultural and industrial products of The Five Civilized Tribes by the observation of the special agents and enumerators. The Indians were very reluctant to give any information in regard to their land holdings, the area cultivated, products, or individual wealth. The whites, generally temporary residents, were as reluctant to furnish information as the Indians, not knowing but that the census would lead to their expulsion from the Indian territory.

The climate is equable, with little cold weather, and usually but little snow. February is considered a spring month. It is followed by a long and hot summer with pleasant nights. About the latitude of northern Alabama, the whole region is calculated under proper cultivation to yield enormous crops of corn, cotton, and fruit. By careful estimates not less than 360,000 acres are under a kind of cultivation in The Five Civilized Tribes. Much of the cultivation is primitive and the acreage yield small. There is in The Five Tribes an estimated production of 4,350,000 bushels of corn, wheat, and oats; 421,000 bushels of vegetables of all kinds; 35,000 bales of cotton, and 168,000 tons of hay. The total value of these productions is estimated at \$5,756,000. The Five Civilized Tribes have many horses, mules, cattle, hogs, and sheep. Sheep are raised for food and the wool is used for clothing. There is a record of 20 car loads of sheep carried out of the territory in 1890. The surplus crops and productions, including cattle, are marketed in the states adjoining. The cotton crop generally finds its way to the sea coast by rail by the way of Ardmore, in the Chickasaw Nation, or by the Red river. The manufactures of The Five Civilized Tribes are nominal. Still they make many woolen blankets and shawls, a large number of willow baskets, some maple sugar, gather wild rice, and take fish from the river. Home weaving is a feature. The forests supply 8,000,000 feet of lumber per year, which is generally consumed by the people. At Waggoner, in the Creek Nation, there is a sawmill engaged in cutting walnut timber, producing a large number of gun stocks, many of which are shipped for use in European armies. The forest also yields considerable hemlock bark, and large quantities of firewood are cut and sold.

LIVE STOCK ON RANGES.—Indian territory was included in the second range district for census purposes. The agents charged with the investigation of range stock report:

* * * The Indian territory * * * has been extensively occupied as a maturing ground for cattle bred farther south * * * by large companies and associations of cattle men, who lease the lands or grazing privileges from the Indian tribes, and by fencing large pastures with barbed wire dispense with herders. Each year nearly the entire stock is matured and sent to market and a new supply of young cattle from the south placed on the pastures; hence the percentage of sales is much larger from the Indian territory than from any other area of like extent in the southern portion of the grazing regions. Range stock, as shown by the tables, is located in the Chickasaw, Creek, and Osage reservations and the Cherokee outlet or strip. The large proportion of three and four year olds in the Indian territory indicates that the business is conducted chiefly to mature rather than to breed cattle. In ordinary years, when prices are satisfactory, all dry cows and four-year olds and most of the three-year olds are sent forward to market, and the pastures are replenished from southern ranges. The cattle industry in the Indian territory has been fairly satisfactory since 1880, excepting the year 1886, succeeding the great loss by the winter storms of 1885-1886. The business is controlled almost exclusively by the white men, who are not citizens of the territory or members of any Indian tribe, and the presence of the stock and the men in charge has been in some instances productive of dissatisfaction among the Indians. * * * No sheep are held on the ranges in the Indian territory.



From photograph by J. P. STANDIFORD, Muskogee.

No. 1. Main Street, Muskogee, Creek Nation, During Fire, 1891. No. 2. Cotton Buying, Eufaula, Creek Nation, 1891. No. 3. Laying Corner Stone
U. S. Court House, Muskogee, Creek Nation, June 24, 1889.

The following table shows the number of horses, mules, asses, and swine, the value of sales, losses by death, and number of men employed on ranges in The Five Civilized Tribes and the Osages:

HORSES, MULES, ASSES, AND SWINE, VALUE OF SALES, LOSSES BY DEATH, AND NUMBER OF MEN EMPLOYED ON RANGES.

DISTRICTS.	Number of horses.	Number of mules.	Number of asses.	Number of swine.	Value of horses sold in 1889.	Value of swine sold in 1889.	Died in 1889 (all stock from all causes).	Men employed on ranges.
Total	3,793	146	5	530	\$10,063	\$1,300	7,663	198
Cherokee, Osage, and Creek reservations...	2,716	97			9,963		4,723	161
Chickasaw Nation	1,077	49	5	530	100	1,300	2,940	37

There were reported for the Cherokee, Osage, and Creek reservations 158,438 cattle; for the Chickasaws, 72,013. Sales of cattle for Cherokee, Osage, and Creek reservations, \$1,046,681; Chickasaws, \$314,320. This does not discriminate stock of Indians from that owned by others.

COAL AND COAL MINING (a).—The census investigations develop the following regarding coal in the Indian territory:

The western or fourth field, which comprises the only deposits of the carboniferous measures west of the Mississippi river, extends across the boundaries of Kansas, Missouri, and Arkansas into the Indian territory, underlying almost the entire eastern half of that territory. The present developments of importance are along the line of the Missouri, Kansas, and Texas railway, in the Choctaw Nation reservation, and are conducted by the Osage Coal and Mining Company at McAlester and the Atoka Mining Company at Lehigh.

The Choctaw Coal and Mining Company is constructing a line of railroad from the Arkansas state line, passing through Oklahoma, to the western boundary of the territory, and southward to Denison, Texas, intersected by the St. Louis and Kansas Pacific, the Missouri, Kansas, and Texas, the Atchison, Topeka, and Santa Fe, and the Chicago, Rock Island, and Pacific railroads. This company is engaged in developing a large area of excellent coal territory, lying along the route of the projected railroad, secured by lease from the Choctaw Nation. This enterprise will constitute one of the most important in the southwest.

The quality of the coal now being mined in this territory is excellent for steam and heating purposes, and is well suited for gas and coking. The beds from which the product is obtained range from 3 to 5 feet in thickness, and comprise the 2 lower veins, which are here found to be of much greater thickness and freer from bone and other impurities than in any other part of the field. Competent authorities assert that the coals now being mined in the Indian territory are superior to any [other] found west of the Appalachian field.

The total product in the territory during the calendar year 1889 was 752,832 short tons, valued at \$1,323,807. The average number of persons employed during the year was 1,873; the total wages paid, \$927,267. No report of mining operations in this territory was made for the Tenth Census.

COAL PRODUCT OF INDIAN TERRITORY IN 1889.

[Short tons.]

LOCALITIES.	MINES.		Total product of coal of all grades for year 1889.	DISPOSITION OF TOTAL PRODUCT.					Total amount received for coal sold in 1889.	Average price of coal at the mines.
	Reg-ular.	Local.		Loaded at mines for shipment on railroad cars and boats.	Sold to local trade at mines.	Used by em-ployés.	Used for steam at mines.	Manu-factured into coke.		
Total	15		752,832	699,122	1,173	5,922	33,997	12,618	\$1,323,807	\$1.76
Atoka	4		323,080.	312,236	630	3,097	7,117		600,838	1.86
Choctaw Nation	5		428,748	386,350	75	2,825	26,880	12,618	720,961	1.68
Tobucksy	6		1,004	536	468				2,008	2.00

a Report on Mineral Industries in the United States at the Eleventh Census, 1890, David T. Day, special agent, pages 375, 376.

STATISTICS OF INDIANS.

LABOR AND WAGES AT INDIAN TERRITORY COAL MINES IN 1889.

LOCALITIES.	Total employés about mine.	ABOVE GROUND.												
		Total average number employed.	Foremen or overseers.			Mechanics.			Laborers.			Boys under 16 years.		
			Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.
Atoka and Choctaw Nation.	1,862	220	11	\$2.55	291	63	\$2.50	170	145	\$1.90	164	1	\$1.00	250

LOCALITIES.	Total average number employed.	BELOW GROUND.													Total amount of wages paid during 1889.
		Foremen or overseers.			Miners.			Laborers.			Boys under 16 years.				
		Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.		
Atoka and Choctaw Nation.	1,642	10	\$3.10	252	1,200	\$3.25	166	393	\$2.41	177	39	\$0.88	198	\$915,567	

EXPENDITURES AT INDIAN TERRITORY COAL MINES IN 1889.

LOCALITIES.	OFFICE FORCE.						Grand total employés.	Grand total wages.	Total value of supplies and materials of all kinds during 1889.	Total of all other expenditures for the mines or works.	Total mining expenditures.	Amount paid for contract work during 1889.	Grand total of all expenditures.
	Total.		Males.		Females.								
	Number.	Amount of wages.	Number.	Amount of wages.	Number.	Amount of wages.							
Total	11	\$11,700	11	\$11,700	.....	.....	1,873	\$927,267	\$53,404	\$172,150	\$1,152,821	\$20,000	\$1,172,821
Atoka	5	5,220	5	5,220	.....	.....	959	435,892	28,860	48,562	513,314	.....	513,314
Choctaw Nation.....	6	6,480	6	6,480	.....	.....	914	491,375	24,544	123,588	639,507	.....	639,507
Tobucksy.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20,000	20,000

VALUE OF AND POWER AT INDIAN TERRITORY COAL MINES IN 1889.

LOCALITIES.	VALUE OF MINES AND IMPROVEMENTS.							POWER USED IN MINING.								Days idle during year.	
	In land leased.		In buildings and fixtures.	In tools, implements, live stock, machinery, and supplies.	Total.	Cash capital not reported in the foregoing items.	Total capital.	Steam boilers.		Cylinders.		Other power.					
	Acres.	Value.						Number.	Horse power.	Number.	Size. (Inches.)	Motors.		Number of animals employed.	Repairs to mines and machinery.	Short of cars.	
												Number.	Horse power.				
Total	14,766	\$738,643	\$497,509	\$131,367	\$1,367,219	\$124,790	\$1,492,009	38	1,680	38	.....	2	30	169	8	22.25	
Atoka.....	6,326	316,298	251,498	98,203	665,999	69,790	735,789	15	680	17	.....	.....	.....	89	8	22.25	
Choctaw Nation....	5,440	272,345	236,011	22,864	531,220	55,000	586,220	19	760	16	.....	2	30	80	.....	.....	
Tobucksy	3,000	150,000	10,000	10,000	170,000	.....	170,000	4	240	{ 1 4	{ 18 x 36 16 x 30 }	.....	.....	.....	.....	.....	

The coal measure of Indian territory is chiefly in the Choctaw Nation, covering an area of 13,600 square miles of bituminous coal. Iron, lead, copper, marble, sandstone, and limestone are found. Salt springs are also numerous.



No. 1. New York Mission School, Mostly Creeks and Seminoles. No. 2. Main Street north from Phoenix Building, Muskogee, Indian Territory.
No. 3. Cherokees, Creeks and Seminoles, School Children, Muskogee, Indian Territory, 1890.

RAILROADS.—The following is a statement of the railroads of the territory :

MILES OF RAILROAD, SINGLE TRACK, LYING WITHIN INDIAN TERRITORY JUNE 30, 1890.

	MILES.
Total for territory.....	1,046.20
Atchison, Topeka, and Santa Fe (Southern Kansas).....	155.56
Atlantic and Pacific	112.05
Chicago, Rock Island, and Pacific (Chicago, Kansas, and Nebraska).....	65.03
Choctaw Coal and Railway Company.....	39.80
Denison and Washita Valley.....	9.74
Missouri, Kansas, and Texas.....	256.82
St. Louis and San Francisco.....	144.20
Kansas and Arkansas Valley.....	163.00
Gulf, Colorado, and Sante Fe.....	100.00

WAGES.—Farm hands are paid about the same wages as in Texas, Arkansas, or Kansas. The trades are not well paid, except in the towns made up of intruders or noncitizens, or by the railroads or other corporations. Coal miners receive the wages current in Missouri.

COMMODITIES OF LIFE.—Provisions and clothing are about the same in price as in southern Kansas or western Arkansas. The people outside of the towns, as a rule, live on plain fare and much in the open air.

THE PROFESSIONS.—The professions are as a rule poorly paid. Lawyers are numerous, but the business is of a petty character and not profitable.

NEWSPAPERS.—Cherokee Nation.—Cherokee Advocate, national organ, published at Tahlequah, half in English and half in Cherokee.

Chickasaw Nation.—There are seven newspapers now published in the Chickasaw Nation, and they all claim to be independent in politics: the Chickasaw Chieftain, published at Ardmore; the Ardmore Courier, published at Ardmore; the Herald, published at Wynnewood; the Chickasaw Enterprise, published at Pauls Valley; Territorial Topics, published at Purcell; the Register, published at Purcell; the Minstrel, published at Minco. All of these papers are supported by the noncitizens and whites. There is no Indian paper published in the Chickasaw Nation.

Choctaw Nation.—There are three newspapers published in the Choctaw Nation: the Indian Citizen, a weekly issue, published at Atoka, devoted to the Indian people and their interests, has liberal patronage, and a circulation of 1,320; the same may be said of the Twin City Topics, a weekly journal, published at McAlester; the Indian Missionary, published monthly at Atoka, in the interest of the Baptist denomination, the circulation being given as 1,000.

Creek Nation.—There are four newspapers published in the Creek Nation: the Indian Journal (Creek), a weekly, published in Eufaula, has a circulation of 840; the Muskogee Phenix (Republican and Creek), a weekly, published in Muskogee, has a circulation of 1,470; the Brother in Red (Methodist), a weekly, published in Muskogee, has a circulation of 1,300; the Brother in Black (Methodist), a weekly, published in Muskogee, has an estimated circulation of 500.

Seminole Nation.—There is no paper published in the Seminole Nation.

BANKS.—There is one national bank at Muskogee, Creek Nation, and one at Ardmore, Chickasaw Nation; there are also some private banks.

VITAL STATISTICS.—The health of Indian territory is good, the death rate small, and the local diseases are those common to the states of Kansas, Arkansas, and northern Texas. No statistics of deaths, burials, or marriages could be obtained. The laws of the several nations regulate marriages and burials for the citizens, and the Arkansas laws govern noncitizens in these particulars. The poor and unfortunate of The Five Tribes are fairly well cared for. The noncitizen poor are cared for by their own people.

DWELLINGS.—The houses of the citizens of The Five Tribes are built of stone, brick, and wood. By count 561 dwelling houses were found in the Seminole Nation and 3,583 in the Creek Nation. No complete returns were made of the houses in the other nations.

EDUCATION.

Education receives much care and attention at the hands of the people and authorities of The Five Civilized Tribes. In some of them, as shown by the reports of the special agents, the freedmen and others of negro descent are not properly considered in school matters. The school books used are in the English language.

CHEROKEE NATION.—The schools of the Cherokee Nation are justly a source of pride to all of the citizens. One-half of the revenue derived from the funds in the hands of the United States, invested in 5 per cent government

bonds, is devoted to their support. These schools are: the Cherokee orphan asylum, the national male and female seminaries, and 100 primary schools scattered throughout the different judicial districts of the nation in proportion to the population, the highest number in any district being 15 and the lowest 7. The expenditure of the nation for educational purposes among the primary schools is confined to books and tuition, each locality being required to furnish the house and keep it in repair as well as to furnish fuel and water. It is required also that the locality furnish a minimum number of pupils (13), and on failure of a school to show that average attendance per month, the school is discontinued and some other neighborhood has an opportunity to furnish the required number of pupils.

The general management of the schools of the nation has heretofore been vested in a national board of education consisting of 3 members, who are appointed by the principal chief and confirmed by the senate. They serve for 3 years and get an annual salary of \$600 each. They are intrusted with the duty of hiring the teachers, the law requiring them to give preference to natives and graduates of the seminaries, the purchase and distribution of books and other supplies, and the general supervision of the schools, each member having a separate part of the nation under his special care.

The orphan asylum, as well as each seminary, is under the charge of a superintendent, and has a steward, matron, and the usual number of employés, in addition to the principal and a corps of teachers. The asylum and each of the seminaries is capable of accommodating from 150 to 200 pupils, and a provision is made for the board and clothing of a certain number of pupils, about 50, as well as the tuition and books of all. Those who are able to pay are charged \$2 per week for board, lodging, laundry, and tuition.

The primary teachers are paid a minimum salary of \$30 per month for an attendance of 15 pupils. This monthly salary may be increased \$1 per month for each additional pupil that attends up to \$50 per month, the maximum salary allowed for 35 pupils, but it can not be further increased, though if the number is large enough, in the opinion of the board, to justify it, 2 teachers may be allowed. In the latter case each teacher receives the same amount of salary, making the maximum cost of the school for tuition \$100 per month.

Each teacher is required to render a monthly report to the board of education, as well as a term report at the end of each term. There are 2 terms during the year, the spring term continuing through February, March, April, May, and June, and the fall term running through September, October, November, and December. Each school has a board of directors, consisting of 3 members, appointed by the national board of education.

School books are issued by the national board of education on a requisition signed by the teacher. There does not seem to be any limit or any responsibility in regard to this matter of issuing or drawing books and supplies. The first teacher applying is served first and the later ones go away many times with nothing. The next term or the next year is likely to find the wide awake teacher on hand early again, while the slow going teacher goes away with slate pencils and foolscap and whatever else happens to be left by the more fortunate and active ones.

Buildings for the male and female seminaries were erected in 1848. The male seminary was located about 2 miles from Tahlequah, while the female seminary was in another direction, about 4 miles from Tahlequah, and 2.5 or 3 miles from the male seminary. The buildings were exactly alike, each room being furnished with a large fireplace and each building having a porch extending along 3 sides of it 2 stories high and supported by 25 circular brick columns. In 1874 a large addition was built to each, making them still precisely alike and probably doubling their capacity. The female seminary took fire and burned to the ground one Sunday afternoon in April, 1887, during the spring term. While little was saved from the flames, no lives were lost. The pupils were sent to their homes, a special session of the national council was called, and an appropriation made to erect another building. It was decided to put the new building near the town of Tahlequah, which it overlooks from an eminence in the suburbs. It is a beautiful structure, in modern style of architecture, with all the approved modern conveniences. It will accommodate over 200 pupils. The male seminary has been overhauled and put in good condition also, and with its large fireplaces, huge chimneys, great porches, and numerous columns, it offers a contrast to the modern building erected for the girls. A score of the columns of the old female seminary still stand as melancholy monuments of its former days.

The cost of the system of education as now carried on aggregates about \$80,000 per year.

The Cherokees have schools for their negro children, including a high school.

In addition to the system of schools already described there are quite a number of schools carried on in the Cherokee Nation by the different mission school boards of the country. These are doing effective work in educating the young and are a great power in molding the nature of the youth as well as restraining the adult population, and go a great way in giving moral and religious tone to the Cherokees. Of these schools, those supported by the Presbyterians are the most numerous, though the Baptists, the Congregationalists, and the Southern Methodists are represented. Of those under the charge of the Presbyterians, one is located at Tahlequah, one at Park Hill, one at Elm Springs, and one at Pleasant Hill. The Baptists have a school at Tahlequah and the Congregationalists and Southern Methodists each have one at Vinita.

The pupils in the Cherokee common schools June 1, 1890, were:

Total.....	4,439
Number of pupils attending Cherokee common schools.....	3,877
Female seminary	156
Male seminary	156
Orphan asylum.....	250

The Cherokee children in mission schools, June 1, 1890, were:

Total.....	445
Baptist mission at Tahlequah	70
Presbyterian mission at Tahlequah	35
Presbyterian mission at Park Hill.....	77
Presbyterian mission at Woodall	41
Presbyterian mission at Elm Springs.....	40
Worcester academy at Vinita.....	122
Galloway college at Vinita	60

Aggregate in all schools in the Cherokee Nation..... 4,884

CHICKASAW NATION.—No provision is made in the Chickasaw Nation for the education of the children of the negroes. The Chickasaw legislature provides for 5 boarding academies, as follows: male, at Tishomingo, 60 pupils; male, at Wapanucka, 60 pupils; female, at Stonewall, 40 pupils; female, at Bloomfield, 45 pupils; male and female orphan school, 60 pupils; total in boarding academies, 265; sent to school in the states, 35; aggregate in all boarding schools, 300. Besides the boarding pupils thus provided for, there are 15 schools known as neighborhood schools. Thirty-five students were sent to institutions in Texas for higher education in 1890. The superintendent of public instruction is elected by the legislature. He has the management and general control of all national schools and school buildings in the nation. His term of office is 4 years, unless sooner removed for misdemeanor in office. Section 3 of the act of October 9, 1876, provides that the standard of school books shall be of uniform character and of the southern series, and no other books shall be used or taught in the Chickasaw Nation. Any person decoying a scholar from school against the wishes of a parent or guardian is liable to a fine not exceeding \$50, or imprisonment not exceeding three months, at the discretion of the court.

There are a number of denominational schools, including a large and prosperous Catholic school at Purcell, in Pontotoc county.

CHOCTAW NATION.—The school property of the Choctaw Nation is valued at \$200,000. There are 4 boarding schools, besides several mission or denominational schools, and 174 neighborhood or public schools. Their yearly expenditure for schools is \$83,000. Some negro schools are provided, estimated to be about 20 per cent of the whole number of neighborhood or public schools.

The academies and boarding schools are: Spencer academy, 120 pupils; New Hope seminary, 130 pupils; Wheelock orphan asylum, 60 pupils; Armstrong orphan asylum, 60 pupils.

CREEK NATION.—The Creek public school system consists of 36 neighborhood schools, for the support of which \$76,488.40 is annually appropriated by the council out of the moneys received from the United States. The school year is divided into 2 terms of 4 months each. Both Indians and negroes are educated. The schools bear evidence of a commendable effort on the part of the progressive element of the nation to elevate their people to a higher standard of knowledge and civilization, but either for want of intelligent management or proper support they are only indifferently successful. Against this is arrayed the combined influence of traditional superstition, ignorance, and conceit that are as yet deep seated in the minds of no inconsiderable portion of this tribe. This element takes little interest in the cause of education, and if their children spend the day in hunting instead of at school the parents are as well satisfied, particularly if the young sportsmen have been successful in quest of game.

Education with these Indians is purely optional, and statistics show that more than two-thirds of the children of school age do not attend school. The English language is not generally spoken, except among the educated people. The Indian youth is imitative and learns mechanically, and instances are common where they acquire the art of reading English fluently and at the same time do not understand a word they read. The council of 1890 created a board of public instruction composed of 3 progressive citizens of the nation, from whose management better results are expected. The mission and contract schools are well attended and as a rule are in a flourishing condition. There are 10 of these institutions located in the Creek Nation under the auspices of religious denominations, shown in the table on the following page.

STATISTICS OF INDIANS.

DENOMINATIONAL SCHOOLS IN THE CREEK NATION.

NAMES.	Location.	Denomination.	CAPACITY.		AVERAGE ATTENDANCE.	
			Boarding.	Day.	Boarding.	Day.
Nuyaka mission.....	Nuyaka	Presbyterian board of home missions	86	.....	79	.....
Wealaka mission (a)	Wealaka.....	Presbyterian board of home missions	100	.....	100	.....
Presbyterian school for girls.....	Muscogee.....	Presbyterian board of home missions	30	4	35	4
Presbyterian school	Red Fork	Presbyterian board of home missions	200	.....	.....	17
Presbyterian school	Tulsa.....	Presbyterian board of home missions .....	.....	38	.....	19
Harrell institute.....	Muscogee.....	Methodist Episcopal Church, South	50	150	55	147
Indian university.....	Bacome.....	American Baptist home missions	100	20	64	29
Levering mission	Wetumka	American Baptist home missions	75	.....	87	.....
Tallahassee manual labor school for freedmen	Muscogee.....	American Baptist home missions	50	10	51	.....
Methodist Episcopal school	Tulsa	Methodist Episcopal Church, North.....	100	25	.....	23

a Burned April 20, 1890; loss, \$48,000; being rebuilt.

Of the several institutions scheduled above, the Nuyaka mission, Nuyaka, Presbyterian school for girls, and Harrell institute, Muscogee; Indian university, Bacome, and the denominational schools at Red Fork and Tulsa are equal in appointments and instruction to the standard of similar institutions in the states.

SEMINOLE NATION.—The public school system consists of 4 neighborhood schools, with an annual public school fund of \$7,500. Two of these public schools are set apart for the education of negro children, and have an average attendance of 47 pupils, as against 34 for the two Indian schools. About three-fourths of the children of school age do not attend school.

There are 2 denominational contract schools (missions) as follows: Wewoka mission, Wewoka, Presbyterian, capacity 50, average attendance 50, number who have been accommodated 58; Seminole female academy, Sasakwa, Baptist, capacity 50, average attendance 30, number who have been accommodated 39.

CHURCH STATISTICS.

The statistics of churches in The Five Civilized Tribes are, as obtained by Henry K. Carroll, LL. D., special agent, as follows:

NATIONS AND CHURCHES.

SUMMARY.

NATIONS AND CHURCHES.	Organiza- tions.	Church edifices.	Approximate seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Nations.....	786	422	77,783	309	30,755	\$177,066	28,571
Cherokee.....	225	86	16,752	122	10,725	48,900	9,153
Chickasaw	200	65	11,830	117	13,070	36,535	7,275
Choctaw	289	209	40,251	63	6,350	68,448	8,532
Creek.....	64	55	8,000	6	560	21,183	3,308
Seminole.....	8	7	950	1	50	2,000	303
Churches:							
Baptist, regular (south).....	181	110	18,485	57	7,455	35,765	9,147
Catholic, Roman	16	8	1,680	8	60	5,850	1,215
Christian Union.....	2	.....	.....	2	450	.....	90
Church of God (Winebrenner).....	16	11	1,285	5	550	1,200	811
Congregational	6	.....	.....	.....	.....	.....	127
Disciples of Christ.....	73	8	2,305	36	3,230	2,850	1,732
Dunkards or Brethren (conservative).....	1	.....	.....	1	40	.....	27
Friends (orthodox).....	5	.....	.....	5	315	.....	162
Latter-day Saints, Reorganized Church of Jesus Christ....	2	.....	.....	.....	.....	.....	46
Methodists:							
African Methodist Episcopal.....	14	22	1,680	.....	.....	2,618	489
Colored Methodist Episcopal.....	13	9	2,850	.....	.....	2,975	291
Free Methodist.....	1	.....	.....	1	75	.....	12
Methodist Episcopal	30	14	3,525	16	2,300	8,550	785
Methodist Episcopal, South	274	133	24,155	127	11,135	58,900	9,683
Methodist Protestant.....	16	1	200	15	2,100	300	278
Moravian.....	1	1	150	.....	.....	400	40
Presbyterian:							
Cumberland Presbyterian.....	52	29	8,200	22	1,985	10,145	1,204
Presbyterian Church in the United States (Southern)...	13	22	5,250	.....	.....	7,750	629
Presbyterian Church in the United States of America (Northern).	70	54	8,018	14	1,060	39,763	1,803

THE FIVE CIVILIZED TRIBES.

17

NATIONS AND CHURCHES—Continued.

BAPTIST, REGULAR (SOUTH).

NATIONS.	Organiza- tions.	Church edifices.	Approximate seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Total	181	110	18,485	57	7,455	\$35,765	9,147
Cherokee.....	23	23	5,200			9,400	2,838
Chickasaw	64	10	1,895 {	sh 39 } 42 ph 3 }	5,705	5,285	1,976
Choctaw.....	56	41	7,040	sh 13	1,650	13,640	2,388
Creek.....	32	31	3,750	sh 1	50	6,440	1,708
Seminole.....	6	5	600	sh 1	50	1,000	237

CATHOLIC, ROMAN.

Total.....	16	8	1,680	8	60	5,850	1,215
Cherokee.....	4	1	150 {	h 1 } 3 ph 2 }	60	600	200
Chickasaw	4	1	200	ph 3		800	230
Choctaw.....	7	6	1,330	ph 1		4,450	735
Creek.....	1			ph 1			50

CHRISTIAN UNION.

Chickasaw	2			{ h 1 } 2 sh 1 }	450		90
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CHURCH OF GOD (WINEBRENNERIAN).

Total	16	11	1,285	5	550	1,200	811
Cherokee:							
Canadian district.....	3	1	100 {	ph 1 } 2 sh 1 }	100		80
Flint district	2	2	275			600	154
Sequoyah district.....	10	8	910	sh 2	350	600	327
Choctaw:							
Sans Bois district.....	1			sh 1	100		50

CONGREGATIONAL.

Total	6						127
Cherokee.....	2						37
Choctaw.....	4						90

DISCIPLES OF CHRIST.

Total	73	8	2,305	36	3,230	2,850	1,732
Cherokee.....	23	2	900 {	sh 9 } 16 ph 7 }	1,055	800	595
Chickasaw	19	3	505 {	ph 5 } 10 sh 4 } h 1 }	575	550	547
Choctaw.....	27	3	900 {	sh 6 } 7 ph 1 }	1,150	1,500	512
Creek.....	4			sh 2 } 3 ph 1 }	450		78

DUNKARDS OR BRETHREN (CONSERVATIVE).

Chickasaw	1			sh 1	40		27
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FRIENDS (ORTHODOX).

Cherokee	5			{ 4 sh } 5 1 ph }	315		162
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STATISTICS OF INDIANS.

NATIONS AND CHURCHES—Continued.

LATTER-DAY SAINTS—REORGANIZED CHURCH OF JESUS CHRIST.

NATIONS.	Organiza- tions.	Church edifices.	Approximate seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants of members.
Cherokee.....	2						46

AFRICAN METHODIST EPISCOPAL.

Total.....	14	22	1,680			\$2,618	489
Cherokee.....	4	5	500			2,000	112
Choctaw.....	6	14	655			163	320
Creek.....	4	3	525			455	57

COLORED METHODIST EPISCOPAL.

Choctaw.....	13	9	2,850			2,975	291
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FREE METHODIST.

Chickasaw.....	1			sh 1	75		12
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METHODIST EPISCOPAL.

Total.....	30	14	3,525	16	2,300	8,550	785
Cherokee.....	16	6	1,000	{ h 2 } sh 5 } ph 3 } 10	1,400	2,150	391
Chickasaw.....	4	3	825	sh 1	100	2,200	75
Choctaw.....	6	1	500	{ h 1 } sh 2 } ph 2 } 5	800	1 200	125
Creek.....	4	4	1,200			3,000	194

METHODIST EPISCOPAL, SOUTH.

Total.....	274	133	21,155	127	11,135	58,900	9,683
Cherokee.....	78	a18	3,750	{ h 1 } sh 45 } ph 6 } 52	4,425	13,500	2,635
Chickasaw.....	86	38	6,005	{ h 1 } sh 45 } ph 1 } 47	5,200	19,050	3,829
Choctaw.....	97	66	12,950	{ sh 24 } ph 3 } 27	1,450	21,250	2,312
Creek.....	13	a11	1,450	sh 1	60	5,100	907

METHODIST PROTESTANT.

Total.....	16	1	200	15	2,100	300	278
Cherokee.....	10			sh 10	1,050		168
Choctaw.....	6	1	200	sh 5	1,050	300	110

MORAVIAN.

Cherokee.....	1	1	150			400	40
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CUMBERLAND PRESBYTERIAN.

Total.....	52	29	8,200	22	1,985	10,145	1,204
Cherokee.....	14	3	950	{ ph 2 } sh 8 } 10	1,060	4,050	441
Chickasaw.....	11	1	200	10	925	450	166
Choctaw.....	27	25	7,050	2		5,645	597

a One edifice rented.

NATIONS AND CHURCHES—Continued.

PRESBYTERIAN CHURCH IN THE UNITED STATES (SOUTHERN).

NATIONS.	Organiza- tions.	Church edifices.	Approximate seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants of members.
Total	13	22	5,250	.....	.....	\$7,750	629
Chickasaw	2	5	1,200	.....	.....	1,200	175
Choctaw	11	17	4,050	.....	.....	6,550	454

PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA (NORTHERN).

Total	70	54	8,018	14	1,060	39,763	1,803
Cherokee.....	28	16	2,867	{ h 2 sh 10 } 12	910	14,800	727
Chickasaw.....	6	4	1,000	.....	.....	7,000	148
Choctaw	28	26	2,726	2	150	10,775	548
Creek.....	6	6	1,075	.....	.....	6,188	314
Seminole.....	2	2	350	.....	.....	1,000	66

SUNDAY SCHOOLS IN THE FIVE CIVILIZED TRIBES: 1890.—The following table embraces the statistics of Sunday schools in The Five Civilized Tribes, 1890, as compiled by the Rev. J. McC. Leiper: (a)

DENOMINATIONS.	Sunday schools.	Teach- ers.	Scholars.	Total.
Total	262	1,341	10,525	11,866
Presbyterian	44	271	2,475	2,746
Baptist	65	325	2,500	2,825
Methodist.....	116	562	4,130	4,692
Congregationalist.....	5	25	300	325
Christian.....	30	150	1,050	1,200
Moravian.....	2	8	70	78

REVENUES OF THE FIVE CIVILIZED TRIBES.

The interest on trust funds in the hands of the United States, receipts from licenses, permits, rents from leased lands, and intruder permits are the main sources of revenue of the governments of The Five Civilized Tribes. In some of The Five Tribes no publication is made of receipts and disbursements.

There are no taxes, direct or otherwise, paid by citizens of the nations, and there is no listing or appraising of real or personal property for taxation. It is a land without taxation. The citizens are thus content with almost any government, and power is easy to maintain. As lands are held in common, the improvements only and personal property being liable to levy and sale, an assessment would be valueless. No estimate therefore can be made of property values in these nations.

An idea of the methods prevailing in The Five Tribes in revenue matters can be had from the following from the fourth annual message of J. B. Mayes, principal chief of the Cherokee Nation, 1890: (b)

An appointment of a revenue officer and a proper handling of our revenue would certainly procure funds sufficient to meet largely the expenses of our government. Our revenue system is a poor one and badly managed. A per cent is taken out of it by the clerks, sheriffs, and solicitors, and after it is turned in the treasurer takes out his 10 per cent, which leaves the nation but little. A government with the resources of the Cherokee Nation is certainly poorly managed to get only the pitiful sum now received.

^a Report of the Commissioner of Indian Affairs, 1890, page 95, where the total number of Sunday schools is printed 362.

^b The following extract from the message of Governor William L. Byrd, of the Chickasaw Nation, September 4, 1891, is an illustration of the method of reporting the finances of The Five Tribes: "The receipts of the treasury for the fiscal year are \$221,563.90, and the disbursements have been \$145,048.78, leaving a balance in the treasury of \$76,520.12".

TRUST FUNDS OF THE FIVE CIVILIZED TRIBES.

The total amount of trust funds arising from sales of lands under treaties with and the laws of the United States, the property of The Five Civilized Tribes, is \$7,984,132.76, and the annual interest on this, paid by the United States, is \$413,219.01, apportioned as follows: (a)

TRIBES.	Amount of principal.	Annual interest.
Total	\$7,984,132.76	\$413,219.01
Cherokee.....	2,625,842.37	137,469.33
Chickasaw.....	1,308,695.65	68,404.95
Choctaw.....	549,594.74	32,344.73
Creek.....	2,000,000.00	100,000.00
Seminole.....	1,500,000.00	75,000.00

The interest on the principal of these funds is placed by the United States semiannually with the United States assistant treasurer at St. Louis, Mo., to the credit of the treasurer of each nation, and the expenditure of these funds is entirely under the control of the nation and its council.

The above \$413,219.01 received from the United States each year, together with fees from licenses and permits, enables the several tribes or nations to exist without levying a tax upon their people.

FORM OF GOVERNMENT.

The form of government of four of The Five Tribes or Nations in Indian territory is similar to that of the states in the United States, having three departments, executive, legislative, and judicial, whose functions are about the same as in the states. The Cherokees, Chickasaws, Choctaws, and Creeks have written and printed codes of laws. The Seminoles have no written or printed laws or constitution, and enforce the Creek laws, except that the principal chief has no pardoning power. There are also a first and second chief and a national council, which is, in fact, a legislature and a supreme court as well, composed of 14 "band chiefs". Still, the government is virtually in the hands of 2 or 3 men who control its policy and finances.

The constitution of the Cherokee Nation is based upon that of Mississippi and its provisions have been repeatedly outlined in government reports, for example, in the report of the Commissioner of Indian Affairs for 1885, page 149 and following, as given by United States Indian Agent Robert L. Owen. The forms of government in the other tribes except Seminoles are in general similar.

LAWS OF THE CREEK NATION.

The constitution of the Muscogee (Creek) Nation in effect March 1, 1890, consists of 10 articles, with 34 sections. It provides for the usual executive, judicial, and legislative departments, but with extraordinary powers in each. The laws made under this constitution maintain the power of the officials, and so the entire official body is interested in preventing any change in the existing laws or methods, and most of the people are content so long as they pay no direct taxes. These laws govern citizens of the Muscogee Nation only. No citizen of the United States can become a citizen of the Muscogee Nation, nor can a citizen of the Muscogee Nation become a citizen of the United States by Muscogee rule.

Four sections of a portion of the laws of the Muscogee Nation, known as "civil laws", are here given in full. These laws are enacted under a constitution of a so-called nation erected within the republic of the United States, and claiming an authority as high as that of the national government, and they have never been questioned in a United States court.

EXTRACTS: Be it enacted by the national council of the Muskogee Nation, "That all meetings and conventions, and all secret movements having for their object the prevention of the execution of law, or the subversion of the laws and constitution, are hereby forbidden. Any citizen of this nation who shall be found guilty of the violation of the above law shall receive 100 lashes on the bare back for each such offense." Approved August, 1872.

Be it further enacted, "That no citizen of this nation shall exercise the power of petitioning any foreign power upon any question, when such petition shall be in its nature subversive of the laws and constitution of this nation: and any citizen who shall be found guilty of violating the above law shall receive 50 lashes upon the bare back".

Be it further enacted, "That no citizen of this nation shall exercise the right of attending any meeting or council called by an alien or aliens, when such meeting is intended to produce lawlessness, or is subversive of the constitution and laws of this nation: and any citizen found guilty of violating the above law shall receive 50 lashes".

Be it further enacted, "That no citizen of this nation shall be permitted to carry, knowingly, any message or dispatch to forward or promote any move having a tendency to prevent the free operation of the laws and constitution of this nation. Any person or persons found guilty of the violation of this law shall be fined the sum of \$50, which fine shall be paid into the national treasury; but if unable to pay, he or she shall receive 25 lashes." Approved August, 1872.

BIBLIOGRAPHY OF THE LAWS OF THE FIVE CIVILIZED TRIBES.—The laws of the Cherokee Nation are in one volume, 284 pages, in English, entitled, "Constitution and Laws of the Cherokee Nation", published by authority of the Cherokee national council. These laws are also published in the Cherokee language.

The Chickasaw laws are in one volume, 343 pages, in English: "The constitution, treaties, and laws of the Chickasaw Nation, made and enacted by the Chickasaw legislature, 1890".

The codified laws of the Choctaw Nation are in one volume, in English, 200 pages, "Constitution, treaties, and laws of the Choctaw Nation, made and enacted by the Choctaw legislature, 1887".

The laws of the Creek Nation are in one volume, 250 pages, in English, entitled, "Constitution and laws of the Muskogee Nation, as compiled by L. C. Perryman, March 1, 1890". These laws are also published in the Creek language.

The Seminoles have no written or printed laws. The Creek laws as a rule are applied among the Seminoles, whose government is in many features still almost tribal and virtually in the control of 3 or 4 men.

UNITED STATES INDIAN AGENT.

There is a United States Indian agent for The Five Tribes, who resides at Muskogee, Creek Nation. This agency, known as "Union agency", is maintained in pursuance of certain treaties made many years ago, and the agent's original functions are mostly obsolete. In the Creek Nation, however, he has a quasi veto of some matters cognizable with the council. This agent has a clerk and receives \$2,000 per year. The duties he performs under the law, while nominal in most instances, are really of the most arduous and responsible character. He is the executive arm of the nation in Indian territory, making reports to and acting for the Department of the Interior. This agent has under him a United States Indian police force of 40 men and officers who travel about the country and assist in keeping the peace. This force is in addition to the United States marshals and the light horse or other policemen of The Five Tribes.

UNITED STATES COURTS.

The United States courts authorized in Indian territory by the act of March 1, 1889, now apply to The Five Tribes and only to civil causes and for cases which the courts of The Five Tribes may not have adjudicated. As to these courts the Commissioner of Indian Affairs in 1890, reports, pages lxxxi and lxxxii:

Since my last annual report, by an act approved May 2, 1890 (26 Stats., 81, and page 371 of this report), Congress has created the territory of Oklahoma out of a part of what was the Indian territory, establishing therein a territorial government. By the same act the Indian territory is defined to comprise "all that part of the United States which is bounded on the north by the state of Kansas, on the east by the states of Arkansas and Missouri, on the south by the state of Texas, and on the west and north by the territory of Oklahoma". In other words all that portion of the old Indian territory occupied by The Five Civilized Tribes and by the several tribes under the jurisdiction of the Quapaw agency, now composes the Indian territory.

The said act, in sections 29 et seq., proceeds to limit the jurisdiction of the United States court in the Indian territory established by the act of March 1, 1889 (25 Stats., 783), to the Indian territory as above defined, and to enlarge the authority conferred on that court by the said act, giving it jurisdiction within the limits of the said Indian territory over all civil cases therein, except those over which the tribal courts have exclusive jurisdiction.

The Indian territory is divided into three judicial divisions, and the court will be held for the first division, consisting of the country occupied by the Indian tribes in the Quapaw agency, the Cherokee country east of 96 degrees of longitude, and the Creek country, at Muskogee, in the Creek Nation; for the second division, consisting of the Choctaw country, at South McAlester, in the Choctaw Nation; and for the third division, consisting of the Chickasaw and Seminole countries, at Ardmore, in the Chickasaw Nation.

The court is given probate jurisdiction, and certain of the general statutes of the state of Arkansas are extended over and put in force in the Indian territory.

It is authorized to appoint not more than three commissioners for each judicial division, who "shall be ex officio notaries public, and shall have the power to solemnize marriages"; they shall also "exercise all the powers conferred by the laws of Arkansas upon justices of the peace within their districts".

Except as otherwise provided in the law, appeals and writs of error may be taken and prosecuted from the decisions of this court to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States.

Much good is expected to result from the enlarged jurisdiction of the court, and especially from that provision of the law which gives the judge of the "United States court in the Indian territory the same power to extradite persons who have taken refuge in the Indian territory, charged with crimes in the states or other territories of the United States, that may be now exercised by the governor of Arkansas in that state". This power properly exercised will, it is expected, have the effect to purge the territory to a great extent of the criminal element that for years is said to have found an asylum there, where pursuit and punishment seldom, if at all, found its way, to which element much of the introduction of whisky and the moral degradation of many of the Indians is due.

The Indian territory is now provided with a judicial system which reaches in its jurisdiction every manner of controversy that may arise, and the exercise of the authority of this office to interfere and settle disputes arising in that country over property rights is no longer necessary. I have therefore instructed the agent for the Union agency to refer to the proper court for remedy all parties who apply to him for settlement of civil controversies, unless the complainant is an Indian whose poverty practically excludes him from his remedy in the court, and the party against whom the complaint is made is an intruder and a trespasser.

The courts being of limited jurisdiction they have not thus far been of the service expected.

According to the report of the United States Attorney General, 1890, the leading items are as follows:

Civil suits commenced, United States not a party, for the year ending June 30, 1890, 593.

STATISTICS OF INDIANS.

Tried, judgment for plaintiff, 85; judgment for defendant, 13; amount of judgments rendered, \$73,545.14; dismissed or discontinued, 94. Suits in the United States court from Indian territory under solicitor of the treasury, 181; amount sued for during the fiscal year, \$23,250; amount reported in judgments on the above suits, \$10,871; amount collected, \$1,161.15.

The total expenses of the court for the year to June 30, 1890, were \$72,227.49. The items were: marshals' fees, \$18,541.55; jurors, \$8,951; witnesses, \$31,495; support of prisoners, \$6,671; bailiffs, \$1,000. Miscellaneous: \$1,326; regular compensation to United States attorneys, \$2,488.30; special compensation to United States attorneys, \$28; rent of court rooms, \$1,726.64.

The criminal business of the Indian territory, where it relates to noncitizens, is tried in the United States district courts at Fort Smith, Ark., and Paris, Tex. For the fiscal year 1890 the court expenses at Fort Smith, Ark., incurred and paid by the United States were \$242,813.41, and at Paris, Tex., \$137,454.44. There are 200 deputy United States marshals at one court alone. A large population at each of these points derives an income from the arrest in Indian territory of persons charged with crime against the laws of the United States, hundreds of whom are not convicted.

The Attorney General of the United States in his annual report of 1890, pages xix and xx, says:

In my last report attention was called to the great expense of the courts having jurisdiction of felonies in the Indian territory. I again call attention to what was there said, and especially emphasize the same with reference to the court at Paris, Tex. The necessity for a modification of the present state of things there is twofold. It is a grievous hardship that men charged with crime and the witnesses in support of or against such charges shall be required to travel oftentimes many hundred miles in order to reach the tribunal where the trial of such charges is to be had.

In the second place, the expense to the government of maintaining such a system is simply enormous; so great, indeed, that it can not be met out of the ordinary appropriations for such purposes without using moneys necessary to conduct the ordinary business of other United States courts.

A long step toward a better state of things would be taken if the courts in the Indian territory were given full jurisdiction of felonies. My information, I think, justifies the assertion that the objection that good juries can not be had in that court is without foundation.

Another evil closely related to the same subject matter is the practice which in the past has prevailed in some districts of making arrests and conveying prisoners long distances and at great expense without sufficient reason, for examination or bail, instead of taking them before the nearest commissioner. An amendment requiring prisoners to be taken before the nearest commissioner for examination or bail, unless for special reasons and on cause shown, would be a great improvement.

Any change in the existing system is stoutly resisted by interested parties in the localities above named.

LANDS OF THE FIVE TRIBES.

The area of the land holdings of The Five Tribes is given on page 2, together with reference to the treaties, laws, or orders affecting the same.

The Chickasaw lands and the outboundaries of all the lands are surveyed.

The Chickasaw and Choctaw lands are held by them in common under their treaties, viz, the Choctaws own three-fourths of the rights and interests and the Chickasaws one-fourth. These lands were obtained from the United States under treaty, and patents in gross or to the nations have been issued for the same. Whether these patents are in fee is a question. Still, in all of these patents or the treaties under which they are made there is reserved a supervising power of distribution, at least by the United States.

The lands of The Five Civilized Tribes are among the most valuable in the United States, and form one of the best watered sections in the country.

No lands can be disposed of by the Indian nations or tribes or individuals in Indian territory. The United States must approve or concur in title to lands in this territory. There are no public lands therein coming within the provisions of the settlement or disposition laws. No act of Congress has brought any portion of the lands of the territory under the operation of any public land laws. Persons entering Indian territory as settlers and claiming land under the public land laws of the United States become intruders and trespassers. (a)

UNITED STATES LAND PATENTS TO THE FIVE TRIBES OR NATIONS.

The following statement is taken from the report of the Commissioner of Indian Affairs for 1890, pages xxxiv and xxxv:

Patents have been issued to the Cherokee, Choctaw, and Creek nations for the tracts respectively defined by treaty stipulations as follows:

December 31, 1838, to the Cherokee Nation forever, upon conditions, one of which is "that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same".

a The following is the form of proclamation warning intruders out of a tribe or nation. It was posted on trees, houses, or fences in the Chickasaw Nation:

NOTICE! TO ALL PERSONS WHO RESIDE IN THE CHICKASAW NATION CONTRARY TO LAW OR WITHOUT AUTHORITY OF LAW.

Notice is hereby given to citizens of the United States who reside in the Chickasaw Nation that they must obtain their permits in the manner and within the time prescribed by the laws of the said Chickasaw Nation, and must comply with all laws of the said nation.

Now, under and in accordance with the instructions from the Commissioner of Indian Affairs, notice and warning is hereby given to all persons who reside in the Chickasaw Nation contrary to law or without authority of law, that they must remove with their moveable property from within the Chickasaw Nation and the Indian territory by or before the first day of November, 1890, and that any crop or crops that may be planted by them in the Chickasaw Nation will be so planted at their own risk.

March 23, 1842, to the Choctaw Nation, in fee simple to them and their descendants, "to inure to them while they shall exist as a nation and live on it, liable to no transfer or alienation, except to the United States or with their consent". [The Chickasaw lands are embraced in this patent.]

August 11, 1852, to the Muskogee or Creek tribe of Indians, "so long as they shall exist as a nation and continue to occupy the country hereby conveyed to them".

The title therefore of the Cherokees, Choctaws, [Chickasaws] and Creeks to their lands, is not the ordinary Indian title by occupancy, but is a base, qualified, or determinable fee, with only a possibility of reversion to the United States (*United States v. Reese*, 5 Dill., 405), and the authorities of these nations may cut, sell, and dispose of their timber, and may permit mining and grazing within the limits of their respective tracts by their own citizens.

The general allotment act provides that the law of descent and partition in force in the state or territory where such lands are situated shall apply to all allotments made under said act after patents therefor have been executed and delivered; and that the laws of the state of Kansas regulating the descent and partition of real estate, shall, as far as practicable, apply to all lands in the Indian territory which may be allotted under the provisions of said act.

The Seminole lands are held by them under treaty of purchase from the Creeks confirmed by the United States.

The question of allotment in The Five Tribes is one which will probably have to be settled under a special authority of Congress.

The lands of The Five Tribes are known among them as "public domain", and are held in common. Occupation of lands for any purpose gives a possessory or occupancy title, which can be defended in the tribal courts. A person running a furrow with a plow around a tract of land holds all within the same, and in case it covers a road or public highway the road must be changed and pass around the tract. Abandonment of lands so held for a term, two years usually, throws it back into the public domain to be used or occupied by a new occupant.

No titles are recorded. Occupancy titles to lands can be sold by one citizen of a nation to the others, but no such titles or lands can be sold by a citizen of any of the nations to a citizen of the United States. Enormous areas of lands belonging to The Five Tribes are now held by individuals under this system for their own use, and these men are usually found to be opposed to allotment. The Creeks and Cherokees are affected more than the others. Principal Chief J. B. Mayes, of the Cherokee Nation, in his fourth annual message, November 4, 1890, thus referred to the absorption of the public lands by citizens. He says:

The settlement of public domain has become one of the greatest questions that concern our people. When the Cherokees were greatly a pastoral people, the land was prized for the grass and cane, which furnished ample food for their stock, and the land valued on account of the natural growth it furnished for the subsistence of one's herds, then the settlement of the public domain was an easy problem. But to-day the Cherokees are an agricultural people: wheat, corn, cotton, fruits, and vegetables are produced in abundance for exportation. Large wealth is now being accumulated in tilling the soil, so much so that our valuable lands will soon be taken up and put in cultivation, thereby making permanent and happy homes. Hence, this important question presses itself upon your consideration. The strong, energetic, and wealthy class of our citizens will naturally get possession of our rich lands and monopolize the use of the same. Our forefathers in the formation of this government wisely looked to this day, and engrafted in the constitution a provision by which this monopoly could be restrained.

At this time this monopoly has grown to be an evil that demands your immediate action. The information I have from many parts of the country is that individuals have become so infatuated with the accumulation of improvements that single persons claim as many as 30 farms. The country in some sections is literally fenced up without a pass way. While you should encourage every citizen to make and own good farms and become large tillers of the soil, there should certainly be a limit to this greed. You should teach the people that every one has an equal interest in this our common country, and when they properly understand and fully appreciate this great family government and estate, they will then know that a few citizens can not fence up and own the entire country.

The way in which this monopoly is greatly carried on is by our citizens entering into pretended leases of the land to noncitizens for a number of years, which is plain violation of the laws of this nation. The citizen is to get all improvements after the noncitizen gets the use of the land, and in many instances after the land is nearly worn out. The citizen as a general thing has never invested a dollar in this transaction. I am also informed that a land office business is being carried on between noncitizens in buying and selling these leases. You can at once see the great evil and danger that will be entailed on the country by this unscrupulous action of our own citizens. I am of the opinion that you are justified in resorting to extreme measures to relieve our country of this curse.

In the same message Chief Mayes says:

The national council has never assumed the sole right of disposing of lands belonging to the Cherokee people.

The treaty of 1866 was a result of the civil war, and forced upon this nation as an alternative for something worse. The Cherokees submitted to and ratified it, whereby an agreement was made for the sale of the Cherokee lands west of meridian ninety-six for the settlement of friendly Indians. But this idea has long since been abandoned by the United States government. The original intention to reserve the entire Indian territory for the Indians, as at first inaugurated by such men as Jefferson and Jackson, was still provided for in the treaty of 1866, and carried out in good faith by that great man, General Grant, at the close of the late war. But this faith was broken and violated in the organization of the United States territory of Oklahoma in the midst of the Indian country. Under these circumstances the Cherokee Nation must consider the full and complete ownership of these lands, and if ever sold, it must be by all means at a price equal to its value, either by a constitutional amendment or by the modification of the treaty of 1866 in a manner that will make the sale to the government instead of to friendly Indians. This can, perhaps, be effected if the Cherokees so desire it, and by following this line of policy the sale, if made at all, should be made under the shelter of treaty stipulations, which treaty stipulations the Cherokees can never afford to lose sight of, as a safeguard in their dealings with the government of the United States.

Our people should feel proud and thankful that such distinguished men as Senators Butler, Teller, Ingalls, and Dawes, and others have the manhood to openly declare on the floor of the United States Senate that this land is the property of the Cherokee Nation and that we have the right to live upon it and keep it forever, and if we choose to sell it that we are entitled to its value.

A distinguished senator remarked in a speech in the United States Senate that the Cherokee commissioners came to this country with a proposition in "one hand and a sword in the other" to buy our land for \$1.25 per acre, which is worth from three to five and even ten dollars

per acre. Politics should not enter into your deliberations on this question, as it is a matter of pecuniary interest to every citizen alike. A division and political strife on this subject may cause the nation to lose millions of dollars. Whatever is done let us come together as one family and agree for the best.

The allotment of 160 acres of land to a person would be possible in all of The Five Tribes except the Seminole. In the Seminole tribe or nation it is probable that the land holdings, viz, 375,000 acres, will be about enough to give each Indian an allotment, with but little if any surplus for sale or other disposition. In the other nations there will be an excess for sale, on a basis of 160 acres to each person. The surplus will depend upon the area to be allotted, and whether or not all will take alike as to acreage, men, women, and children, heads of families or not. (a)

HISTORICAL OUTLINE OF THE FIVE CIVILIZED TRIBES.

The Five Civilized Tribes of Indian territory are of 2 stocks, the Cherokees of Iroquoian and the Creeks, Seminoles, Choctaws, and Chickasaws of Muskogean stock. Originally they inhabited contiguous portions of the Atlantic coast in and below Virginia, and claimed westward to the Mississippi river. They present many tribal features peculiar to themselves, and it is to be regretted that not one of these Five Tribes has a written history of any extent. Neither Indian nor white man has been found to preserve a full record of these people, who since the advent of the whites have met the conditions of war or requirements of peace with dignity and ability. A vast collection of written material and legend is at hand, and many old Indians of these tribes even now can be found speaking aboriginal languages only, who could contribute much of value in relation to their people.

The local traditions and names of places in the states which were their former homes contain much to aid a historian. No history of any of the states they originally occupied can be written without ample reference to them. The mountain chains, valleys, rivers, and towns of the southeast bear their names and will preserve their memory. Pioneer life in the region named was a terror, owing to their warlike raids, and their resistance to encroaching white life, and their gradual withdrawal before it, have been carried in story and in song, and live in the history of the United States. No force of whites was too strong for them to attack, no distance too great to travel for battle. In the meantime they were noted for keeping their word when once passed, and famous for hospitality when not invaded by armed force. Osceola, Billy Bowlegs, Big Dutch, and their warriors within a century will always be famous. Take in illustration the Creek war of 1813-1814. The Creeks had adopted many of the arts of civilization, when Tecumseh, the Shawnee chief, went among them and urged them to join the northwestern confederation and abandon civilized life. With his great eloquence he pictured the restraints of civilization and the beauties of unrestrained wild life, which they enjoyed prior to the advent of the whites. This war resulted in a loss to the whites of 689 killed and wounded, while 1,300 Creek Indians were killed and thousands wounded. This war broke the back of the Creek confederacy and afterward they were at peace.

The Seminole war of 1835-1842 is an illustration of the prowess of this people. It required an army of 41,000 whites under such generals as Scott, Taylor, Gaines, Clinch, and Worth to subdue this handful of people, who from everglade or forest poured upon them an almost incessant fire. It cost more than \$10,000,000. This war was caused by the refusal of the Seminoles to abandon their homes in Florida and remove to lands west of the Mississippi river. The whites suffered a total loss of 765 killed and wounded. Five hundred and forty Indians were killed out of a tribe estimated then at 1,000 all told.

The descendants of those fierce warriors of The Five Tribes are now the best of Indian citizens, and compare favorably with the whites about them in Indian territory, not showing a trace of their former warlike propensities.

The tribal history, legends, beliefs, customs, and myths of The Five Civilized Tribes would fill volumes. Their traditions of heroes and warriors show the highest human courage and devotion to tribe and country. Their legends, interwoven with description of the beautiful country they occupied, are classic in detail and round out into epics. Their customs were peculiar. Their form of tribal government in many features was entirely original, while useful and bringing contentment to their people. Their myths, almost oriental in their richness of coloring, exceeded the usual aboriginal imagination.

The Cherokee Nation, by a treaty made in 1817, ceded to the United States an area of land lying east of the Mississippi river. In exchange for this the United States ceded to that part of the nation then on the Arkansas river as much land on that river, acre for acre, as the United States received from them east of the Mississippi river, and provided that all treaties then in force should continue in full force with all of the Cherokees. This established the two names, Eastern and Western Cherokees. The Eastern Band of Cherokees is the portion now living in North Carolina, Georgia, and east Tennessee, but chiefly in North Carolina on a tract of land known as the Qualla boundary. They are thus designated to distinguish them from the Cherokees who emigrated between 1809 and 1817, and located on the public domain at the headwaters of Arkansas and White rivers, and who are now known as the Cherokee Nation, Indian territory. The latter became known as the Cherokee Nation west. The general term, the Cherokee Nation, includes both. Some of the Eastern Cherokees, after 1866, on invitation, joined the Western Cherokees and are now with them in Indian territory.

a In a Senate report, Fifty-second Congress, first session, No. 1079, can be found a table of land holdings per capita in The Five Tribes.

As early as 1809 the aggregate of annuities due the Cherokees on account of the sale of lands to the United States was \$100,000, and it was provided by articles of the treaty of 1817 that a census should be taken of those east and of those west and of those still intending to remove west, and also that a division of the annuities should be made ratably, according to numbers as ascertained by said census, between those who were east and those who were west. Thus the Cherokees, although geographically separated, were treated as a unit, and all property owned by them was treated as common property.

In 1819 they were estimated at 15,000 in number. By a treaty made in 1819 the formal census was dispensed with, and for the purpose of distribution it was assumed that one-third had removed west and that two-thirds were yet remaining east of the Mississippi river. At the same time the nation made a further cession to the United States of land lying east of the Mississippi. Upon the basis of this estimate of numbers, in lieu of a census, annuities were distributed until the year 1835.

By a treaty made in 1828 with the Western Cherokees, the United States guaranteed to them 7,000,000 acres, with a perpetual outlet west as far as the sovereignty and right of soil of the United States extended. This vast tract was in what is known as Indian territory, and the Cherokees at the same time surrendered the lands occupied by them on the Arkansas and White rivers, to which they had removed between the years 1809 and 1817. In 1819 there were estimated to be 6,000 of them in Arkansas. By the same treaty, special inducements were offered to those east to remove west, including a rifle, blanket, kettle, 5 pounds of tobacco, and cost of emigration to each person, with a just compensation for the property which each might abandon.

The treaty of 1833 simply redefined the boundaries of the land mentioned in the treaty of 1828. In 1835 the Cherokees still held a quantity of land east of the Mississippi larger than the states of Massachusetts, Rhode Island, and Connecticut combined. It had been agreed that the United States Senate should fix the price that should be paid for these lands in contemplation of the cession of the same to the United States. The Senate fixed the price at \$5,000,000. The original draft of the treaty of 1835 authorized such Cherokees as so desired to remain east, and in such event set apart certain lands to them. By supplemental treaty in 1836 the United States initiated the policy of compelling the then Eastern Cherokees to remove west. The Cherokee treaty of 1836, whereby they were to remove west from Georgia produced factions among the Cherokees and much bloodshed. The 6 Cherokees who signed that treaty in Georgia on behalf of the Cherokees always claimed that they affixed their names under a positive assurance from the Rev. Mr. Schermerhorn, the United States agent, that the treaty should not be held binding until the Ross delegation then in Washington on behalf of the Cherokees should consent. The Ross delegation were not consulted as to the treaty going into effect, and the forced expulsion of the Cherokees began. In 1838 General Winfield Scott employed 2,000 troops for the purpose. It was a fearful policy. The Indians were hunted over their native lands as if they were wild beasts. As many as escaped capture clung to their homes, and by the treaty of 1846 it was agreed that they might remain, and the present Eastern Band of Cherokees is the remnant.

All of this mixed condition has been a fruitful source of litigation and legislation, and the rights of the Eastern and Western Cherokees, and questions growing out of treaties and laws relating to them, are not yet settled. The Cherokees since 1776 have made about 40 treaties with the United States, and claim to have ceded more than 80,000,000 acres of land to the whites.

The Cherokee Nation of Indian territory came to the present location in 1839. The Cherokees in Arkansas, 6,000, and those removed in Georgia, estimated at 16,000, made a joint removal and thus formed the Cherokee Nation in Indian territory. One reason for their removal was that frequent cessions of their lands had reduced their territory to less than 8,000 square miles in extent. There was also the hostility of the Georgians. They were removed in 1838 to their present reservation in the Indian territory, excepting a number who remained in North Carolina and adjoining states. At the opening of the war of the rebellion in 1861 the Cherokees in Indian territory had progressed to a high degree of prosperity, but they suffered great injury from both parties ravaging their country and heavy loss by the emancipation of their slaves. Nearly all the Cherokees at first joined the confederacy, but after the fight at Pea Ridge a majority of the nation abandoned the southern cause and joined the union forces; a part adhered to the confederacy to the end. At the time of their removal west the Cherokees were estimated at between 24,000 and 27,000. In 1867 they were reduced to 13,566, but since then they have increased. In 1871 they numbered about 18,000; in 1880 about 18,500.

CHEROKEES IN SOUTH CAROLINA.

Harry Hammond in "South Carolina, Resources and Population, Institutions and Industries", published by the state board of agriculture in 1883 (?) (page 365), gives the following outline and statement regarding the Cherokees as found by John Lawson in 1700:

Nation: Cherokee. Tribes: Echotee, Nequassee, Tehohe, Chatusee, Noyowee, Chagee, Estatoe, Tasse, Cussatee, Tugoola, Keowee, Echay, Aconee, Toxaway, Seneka, Tewraw, Tukwashaw, Chickerohe, Naguchie, Toter, Quacoratchie, Chota, Enoe, Stickoe, Esaw, Sapon, Wisack.

The Cherokees were a mountain race, occupying extensive territory in Alabama, Tennessee, Georgia, North and South Carolina, and Kentucky. Less than one-tenth of this territory is in the present boundaries of South Carolina, comprising the counties of Oconee, Pickens,

Anderson, Greenville, and Spartanburg, which would make the number of warriors in this state by Adair's computation to have been 230, or a total population not exceeding 1,000. They were expelled in 1777 for siding with the British, and are now the most advanced in civilization of the Indians.

The above names are local, and the Cherokee Indians in the vicinity took the local name. This designating Indian tribes by names of localities in early days gave much color to the stories of a vast number of tribes and an enormous Indian population.

IROQUOIAN FAMILY.

As to the name, original location, geographical distribution, and tribal relations of the Cherokees, the Seventh Annual Report of the Bureau of Ethnology (pages 76-79) gives the following information :

Iroquois, Gallatin in Trans. Am. Antiq. Soc. II, 21, 23, 305, 1836 (excludes Cherokees). Prichard, Phys. Hist. Mankind, v, 381, 1847 (follows Gallatin). Gallatin in Trans. Am. Eth. Soc. II, pt. 1, xcix, 77, 1848 (as in 1836). Gallatin in Schoolcraft, Ind. Tribes, III, 401, 1853. Latham in Trans. Philolog. Soc. Lond., 58, 1856. Latham, Opuscula, 327, 1860. Latham, Elements Comp. Phil., 463, 1862.

Irokesen, Berghaus (1845), Physik. Atlas, map 17, 1848. Ibid., 1852.

Irokesen, Berghaus, Physik. Atlas, map 72, 1887 (includes Kataba and said to be derived from Dakota).

Huron-Iroquois, Bancroft, Hist. U. S., III, 243, 1840.

Wyandot-Iroquois, Keane, App. Stanford's Comp. (Cent. and So. Am.), 460, 468, 1878.

Cherokees, Gallatin in Am. Antiq. Soc. II, 89, 306, 1836 (kept apart from Iroquois though probable affinity asserted). Bancroft, History U. S., III, 246, 1840. Prichard, Phys. Hist. Mankind, v, 401, 1847. Gallatin in Trans. Am. Eth. Soc., II, pt. 1, xcix, 77, 1848. Latham in Trans. Philolog. Soc. Lond., 58, 1856 (a separate group perhaps to be classed with Iroquois and Sioux). Gallatin in Schoolcraft, Ind. Tribes, III, 401, 1853. Latham, Opuscula, 327, 1860. Keane, App. Stanford's Comp. (Cent. and So. Am.), 460, 472, 1878 (same as Chelekees or Tsalagi "apparently entirely distinct from all other American tongues").

Tschirokies, Berghaus (1845), Physik. Atlas, map 17, 1848.

Chelekees, Keane, App. Stanford's Comp. (Cent. and So. Am.), 472, 1878, (or Cherokees).

Cheroki, Gatschet, Creek Mig. Legend, I, 24, 1884. Gatschet in Science, 413, April 29, 1887.

Huron-Cherokee, Hale in Am. Antiq., 20, Jan., 1883 (proposed as a family name instead of Huron-Iroquois; relationship to Iroquois affirmed).

DERIVATION: French adaptation of the Iroquois word *hiro*, used to conclude a speech, and *koué*, an exclamation (Charlevoix). Hale gives as possible derivation *ierokwa*, the indeterminate form of the verb to smoke, signifying "they who smoke"; also the Cayuga form of bear, *iakwai*. Mr. Hewitt suggests the Algonquin words *irin*, true or real; *ako*, snake; with the French termination *ois*, the word becomes *Irinakois*.

With reference to this family it is of interest to note that as early as 1798 Barton compared the Cheroki language with that of the Iroquois and stated his belief that there was a connection between them. Gallatin, in the *Archæologia Americana*, refers to the opinion expressed by Barton, and although he states that he is inclined to agree with that author, yet he does not formally refer Cheroki to that family, concluding that "we have not a sufficient knowledge of the grammar, and generally of the language of The Five Nations, or of the Wyandots, to decide that question".

Mr. Hale was the first to give formal expression to his belief in the affinity of the Cheroki to Iroquois. Recently extensive Cherokee vocabularies have come into possession of the Bureau of Ethnology, and a careful comparison of them with ample Iroquois material has been made by Mr. Hewitt. The result is convincing proof of the relationship of the two languages as affirmed by Barton so long ago.

GEOGRAPHIC DISTRIBUTION.—Unlike most linguistic stocks, the Iroquoian tribes did not occupy a continuous area, but when first known to Europeans were settled in three distinct regions, separated from each other by tribes of other lineage. The northern group was surrounded by tribes of Algonquian stock, while the more southern groups bordered upon the Catawba and Maskoki.

A tradition of the Iroquois points to the St. Lawrence region as the early home of the Iroquoian tribes, whence they gradually moved down to the southwest along the shores of the Great Lakes.

When Cartier, in 1534, first explored the bays and inlets of the Gulf of St. Lawrence he met a Huron-Iroquoian people on the shores of the Bay of Gaspé, who also visited the northern coast of the gulf. In the following year when he sailed up the St. Lawrence river he found the banks of the river from Quebec to Montreal occupied by an Iroquoian people. From statements of Champlain and other early explorers it seems probable that the Wyandot once occupied the country along the northern shore of Lake Ontario.

The Conestoga, and perhaps some allied tribes, occupied the country about the lower Susquehanna, in Pennsylvania and Maryland, and have commonly been regarded as an isolated body, but it seems probable that their territory was contiguous to that of The Five Nations on the north before the Delaware began their westward movement.

As the Cherokee were the principal tribe on the borders of the southern colonies and occupied the leading place in all the treaty negotiations, they came to be considered as the owners of a large territory to which they had no real claim. Their first sale, in 1721, embraced a tract in South Carolina, between the Congaree and the south fork of the Edisto, but about one-half of this tract, forming the present Lexington county, belonged to the Congaree. In 1755 they sold a second tract above the first and extending across South Carolina from the Savannah to the Catawba (or Wateree), but all of this tract east of Broad river belonged to other tribes. The lower part, between the Congaree and the Wateree, had been sold 20 years before, and in the upper part the Broad river was acknowledged as the western Catawba boundary. In 1770 they sold a tract, principally in Virginia and West Virginia, bounded east by the Great Kanawha, but the Iroquois claimed by conquest all of this tract northwest of the main ridge of the Alleghany and Cumberland mountains, and extending at least to the Kentucky river, and two years previously they had made a treaty with Sir William Johnson by which they were recognized as the owners of all between the Cumberland mountains and the Ohio down to the Tennessee. The Cumberland river basin was the only part of this tract to which the Cherokee had any real title, having driven out the former occupants, the Shawnee, about 1721. The Cherokee had no villages north of the Tennessee (this probably includes the Holston as its upper part), and at a conference at Albany the Cherokee delegates presented to the Iroquois the skin of a deer, which they said belonged to the Iroquois, as the animal had been killed north of the Tennessee. In 1805, 1806, and 1817 they sold several tracts, mainly in middle Tennessee, north of the Tennessee river, and extending to the Cumberland river watershed, but this territory was claimed and had been occupied by the Chickasaw, and at one conference the Cherokee admitted their claim. The adjacent tract in northern Alabama and Georgia, on the head waters of the Coosa, was not permanently occupied by the Cherokee until they began to move westward, about 1770.

The whole region of West Virginia, Kentucky, and the Cumberland river region of Tennessee, was claimed by the Iroquois and Cherokee, but the Iroquois never occupied any of it and the Cherokee could not be said to occupy any beyond the Cumberland mountains. The Cumberland river was originally held by the Shawnee, and the rest was occupied, so far as it was occupied at all, by the Shawnee, Delaware, and occasionally by the Wyandot and Mingo (Iroquoian), who made regular excursions southward across the Ohio every year to hunt and to make salt at the licks. Most of the temporary camps or villages in Kentucky and West Virginia were built by the Shawnee and Delaware. The Shawnee and Delaware were the principal barrier to the settlement of Kentucky and West Virginia for a period of 20 years, while in all that time neither the Cherokee nor the Iroquois offered any resistance or checked the opposition of the Ohio tribes.

The Cherokee bounds in Virginia should be extended along the mountain region as far at least as the James river, as they claim to have lived at the Peaks of Otter, and seem to be identical with the Rickohocken or Rechaecrian of the early Virginia writers, who lived in the mountains beyond the Monacan, and in 1656 ravaged the lowland country as far as the site of Richmond, and defeated the English and the Powhatan Indians in a pitched battle at that place.

The language of the Tuscarora, formerly of northeastern North Carolina, connects them directly with the northern Iroquois. The Chowanoc and Nottoway and other cognate tribes adjoining the Tuscarora may have been offshoots from that tribe.

PRINCIPAL TRIBES.—Cayuga, Cherokee, Conestoga, Erie, Mohawk, Neuter, Nottoway, Oneida, Onondaga, Seneca, Tionontate, Tuscarora, Wyandot.

THE CREEKS.

The Creeks were originally a fierce and warlike tribe, with great organizing and controlling capacity. The original Creek confederacy was a confederacy of towns. Each town was a complete government in itself. There was a town chief for each town, and a body of men in the nature of an advisory council, and in this great council of the confederacy these several towns were represented by the town chiefs. These Creek towns are still preserved in the Creek Nation in Indian territory, and are in fact representative districts. In 1832 they made a treaty with the United States ceding the lands of their old homes, and removed to Indian territory, which in fact they settled at the "Old agency."

24,594 Creeks were removed west of the Mississippi in 1832 and after, only 744 remaining on their old hunting grounds. At the breaking out of the civil war the western Creeks were estimated to number less than 15,000. The Creeks divided on the war of 1861, and engaged in pitched battles against each other, the unionists suffering badly, many fleeing to Kansas. They were brought together again after the war, and in 1872, numbered, as estimated, 13,000, and in 1890, by their census, 14,800.

CREEKS IN SOUTH CAROLINA.

Harry Hammond in the work on South Carolina already cited (page 366), speaks of the Creeks as follows:

Nation: Creeks or Muscogee. Tribes: Savannah, Sernna, Cusoboe, Yamassee, Huspa, and Cosah. Fragmentary tribes on the Savannah river, south of the Uchees, in Barnwell county.

The Yamassees numbered about 100 men, women, and children, near Pocotaligo, in 1715, and were driven across the Savannah, by Governor Craven. Twenty men of the tribe were left at Saint Augustine, Florida, in 1743, and they were absorbed by the Seminoles.

The Yamassee or Jamassi, were one of a small number of isolated tribes, of dark complexion, found widely scattered among the inhabitants of North and South America. Supposed to have been immigrants from Africa prior to the European discovery of America (see *Human Species*, by A. De Quatrefages). If this be so, it explains why D'Alyon persisted in slave hunting about Beaufort (1520), these negroes being valuable as laborers, while the Indians were worthless. It were strange, too, if negroes first occupied this section where they now predominate.

Salutah: Located near Saluda, old town, Newberry county, removed to Conestoga, in Pennsylvania.

Congaree: On the river of that name. John Lawson visited them in 1700 and found a town of 12 huts, 1 man at home and the women gambling.

Santee: Near Nelson's Ferry in Clarendon. John Lawson found a few of their huts in 1700.

Westoes and Stonoes: Between Edisto and Ashley rivers in Colleton and Charleston counties; amalgamated with the Catawbas.

Wateree and Chickasee: On Pine Tree creek, Kershaw county. Lawson says they were more populous than the Congarees.

Waxsaws: Lawson makes a day's march from the last.

Wenee: Indian. Old township, Williamsburg county.

Winyaw: On the inlet of that name.

Sewee: On Sewee bay. Lawson says the larger part of them were lost at sea, or rescued and sold as slaves by the English, in an attempt they made to open direct communication with England by a fleet of canoes, in which they put to sea in the direction whence they had observed the English vessels arrive.

Saraw or Cheraw: Chesterfield and Marlboro counties, absorbed by the Catawbas.

Kadapaw: Lynchs creek. Joined the Catawbas.

The Pee Dees are not mentioned, as it is thought the name is of European origin, probably from P. D., the initials of Patrick Daly, a white man, carved upon a tree by an early settler.

The 19 tribes claimed under the Creek Nation, occupying at least one-half of the state, appear to have been very insignificant in numbers according to the earliest authentic accounts of them. Governor Glenn sums them up in one sentence: "There are among our settlements several small tribes of Indians, consisting only of some few families each." Lawson says of them: "Although their tribes or nations border upon one another, yet you may often discern as great an alternation in their features and disposition (he was much impressed by the comeliness of the Congaree women) as you can in their speech, which generally proves quite different from each other, though their nations be not above 10 or 20 miles in distance."

The Creeks in South Carolina at their discovery by the whites are estimated by Hammond at about 400.

UCHEES, MUSKHOGEAN STOCK, WITH THE CREEKS.—With the Creeks are the Uchees or Eucheas of Uchean stock. The Uchees are part of the Uchees who once occupied the southern part of Georgia and peninsula of Florida. They

consolidated with the Creeks in or about 1729, being of the same stock. They became for all purposes Creeks, and removed with them to Indian territory in 1832. They now live in a district by themselves in the northwest corner of the Creek Nation and number from 400 to 700. They speak their own language, a peculiar guttural one, and intermarry among themselves. In taking the census of 1890, great difficulty was found in obtaining an enumerator competent to enroll them.

Harry Hammond (op. cit., p. 366) says of them:

About one-eighth of the territory of the Uchees extended across the Savannah river into Aiken, Edgefield, and Barnwell counties. There is no estimate of their numbers. Their Princess of Cufitachiqui (Silver Bluff) entertained De Soto with great splendor; according to the narrative of the Gentleman of Elvas (1540). They were absorbed by the Creeks, and have left no trace except in the name of a small stream in Silverton township, Aiken county, and of a neighboring steamboat landing on the Savannah, Talemecco, after their great temple, which it is said stood there in De Soto's time.

UCHEAN FAMILY.

As to the name, original location, and geographical distribution of the Uchees, the Seventh Annual Report of the Bureau of Ethnology, 1885-1886 (pages 126, 127), states:

Uchees, Gallatin in Trans. and Coll. Am. Antiq. Soc. II., 95, 1836 (based upon the Uchees alone). Bancroft, Hist. U. S., III., 247, 1840. Gallatin in Trans. Am. Eth. Soc. II., pt. 1, xcix, 77, 1848. Keane, App. Stanford's Comp. (Cent. and So. Am.), 472, 1878, suggests that the language may have been akin to Natchez.

Uchees, Gallatin in Trans. and Coll. Am. Antiq. Soc., II., 306, 1836. Gallatin in Schoolcraft, Ind. Tribes, III., 401, 1853. Keane, App. Stanford's Comp. (Cent. and So. Am.), 472, 1878.

Utschies, Berghaus (1845), Physik. Atlas, map 17, 1848. Ibid., 1852.

Uche, Latham, Nat. Hist. Man, 338, 1850 (Coosa River). Latham in Trans. Philolog. Soc. Lond., II., 31-50, 1846. Latham, Opuscula, 293, 1860.

Yuchi, Gatschet, Creek Mig. Legend, I, 17, 1884. Gatschet in Science, 413, April 29, 1887.

The following is the account of this tribe given by Gallatin (probably derived from Hawkins) in *Archæologia Americana*, page 95:

The original seats of the Uchees were east of Coosa and probably of the Chatahoochee, and they consider themselves as the most ancient inhabitants of the country. They may have been the same nation which is called Apalaches in the accounts of De Soto's expedition, and their towns were till lately principally on Flint River.

GEOGRAPHIC DESCRIPTION.—The pristine homes of the Yuchi are not now traceable with any degree of certainty. The Yuchi are supposed to have been visited by De Soto during his memorable march, and the town of Cofitachiqui chronicled by him, is believed by many investigators to have stood at Silver Bluff, on the left bank of the Savannah, about 25 miles below Augusta. If, as is supposed by some authorities, Cofitachiqui was a Yuchi town, this would locate the Yuchi in a section which, when first known to the whites, was occupied by the Shawnee. Later the Yuchi appear to have lived somewhat farther down the Savannah on the eastern and also the western side, as far as the Ogeechee river, and also upon tracts above and below Augusta, Georgia. These tracts were claimed by them as late as 1736.

In 1729 a portion of the Yuchi left their old seats and settled among the Lower Creek on the Chatahoochee river; there they established three colony villages in the neighborhood, and later on a Yuchi settlement is mentioned on Lower Tallapoosa river among the Upper Creek. Filson gives a list of 30 Indian tribes and a statement concerning Yuchi towns, which he must have obtained from a much earlier source: "Uchees occupy 4 different places of residence, at the head of St. John's, the fork of St. Mary's, the head of Cannouchee, and the head of St. Tillis" (Satilla), etc.

POPULATION.—More than 600 Yuchi reside in northeastern Indian territory, upon the Arkansas river, where they are usually classed as Creek. Doubtless the latter are to some extent intermarried with them, but the Yuchi are jealous of their name and tenacious of their position as a tribe.

THE SEMINOLES.

When the Creeks resided in Alabama it was customary for the members of the confederacy to go on hunting excursions, and sometimes these hunting parties would be gone for months. They would go a distance of from 100 to 200 miles. In one of these hunting excursions, the Seminoles, the word "Seminole" meaning strayed people, failed to return to the tribe, and remained permanently away, and on this account it is said that they were called Seminoles, in the language of the Creeks, Isti-Semole, wild or strayed men. They are Creeks, and they were considered as such and treated with the Creeks as one people until the treaty of 1866. In treaties prior to that time the Seminoles and Creeks are all spoken of as one people.

In 1856 the Creeks by treaty sold the Seminoles a tract of country, which they occupied for a time, and in 1866 they sold it to the United States for 15 cents an acre. In 1866 the Seminoles bought of the United States, at 50 cents an acre, 200,000 acres of Creek land, which they now occupy, being part of their lands. Under the treaty of 1856, they could bring, as they did, a portion of their brethren from Florida. The Seminoles in Florida in 1890 numbered 171, all self-sustaining. They are in two distinct bands, the Okechobee and Tiger Tails band near the Everglades and Key Biscayne. They are famous hunters and fishermen.

The Creeks in 1881-1882 sold the Seminoles another tract of 175,000 acres, which they now occupy, making their entire land holdings in Indian territory 375,000 acres, or 586 square miles. By the treaty of 1866 the United States recognizes the Seminoles as a separate and distinct nation. They are the least known of any of The Five Civilized Tribes. They are exclusive and keep to themselves, with not much desire for advanced education.

HISTORY OF THE CHOCTAWS AND CHICKASAWS.

R. W. McAdam, treating of the traditions, early history, and progress of the Choctaws and Chickasaws, writes:

If credence is to be given tradition the Choctaws, Chickasaws, Muskogeans (Creeks), and Seminoles were many centuries ago one tribe, occupying the southeastern portion of the United States from the Mississippi to the Savannah river. Internecine rebellions, engendered by factional quarrels and the jealousies of ambitious chiefs, ultimately divided the great nation into 4 tribes, which, in the course of time, learned different dialects, customs, and laws. The Seminoles claimed as their domain the peninsula country, now Florida; the Creeks, the region north of the Seminoles, comprising a part of eastern Alabama, Georgia, and perhaps part of South Carolina; the Choctaws a large portion of Alabama and the southern half of Mississippi; the Chickasaws, the lands to the north of the Choctaws, comprising northern Mississippi and a portion of west Tennessee. When De Soto explored this region (1540) these tribes occupied the territory in the manner described.

The Choctaws and the Chickasaws had their traditions, many of which have been preserved to this day. In the old Choctaw country is a cave in a hill which the Choctaws held as sacred, claiming that the first parents of their people came from this cave by magic. The Chickasaws have another tradition. Long centuries ago, when the Choctaws and Chickasaws were one people, they dwelt far to the west of the Mississippi. Driven by ferocious northern Indians from their country, they journeyed toward the sunrise many moons, under the guardianship of a sacred dog, led onward by a magic pole, which they planted in the ground every night, and in the morning traveled toward the direction the pole leaned. At last, after crossing vast deserts, boundless forests, and dismal swamps, leaving thousands of their dead along the way, they reached the great Father of Waters. While crossing the Mississippi the sacred dog was drowned. Following the direction indicated by the magic pole they continued eastward to the banks of the Alabama river, where the pole, after being unsettled for several days, pointed distinctly southwest. They proceeded in that direction to the southern portion of Mississippi, where the pole planted itself firmly in a perpendicular line. This was the omen for permanent settlement, and here the tribe dwelt. Tradition concerning the rebellion and formation of an independent tribe by the Chickasaws is very vague. The word Chikasha (Chickasaw) in the Choctaw tongue signifies rebel, the latter tribe giving its rebellious offshoot that name, which the Chickasaws evidently accepted as their distinctive tribal name. * * *

When the early navigators touched upon the unknown shores of the Gulf of Mexico, the red men who greeted them were not savages, living exclusively by the chase and the spoils of war. In a measure these Indians were civilized. They had their rude arts, laws, customs, and religion, inferior but somewhat similar to those of the Aztecs and Incas, which leads to the belief that the magic pole tradition had its origin in an exodus of these tribes from Mexico. The theory that the Chickasaws and Choctaws were an offshoot of the civilized Aztecs has some foundation. They were not primarily a warlike race. Their disposition was not ferocious, although they were capable of waging long and bloody wars when driven to such an extremity by perfidy and wrong. The ancient government of the Choctaws and Chickasaws was democratic and simple. Their ruler was called king, but his authority was abridged by the powers of the council, which was made and unmade at will by the people. Their ideas of justice were based on principles of equity. Virtue, truth, and honesty were, it is said, a striking characteristic. Their methods of agriculture were crude, but it is certain that they cultivated the great Indian cereal and prepared it for food by crushing, the meal being baked as bread, or the grain parched or boiled whole. Their theology was beautifully poetic and largely a worship of the heart, without the elaborate and barbarous rites of the sun worshipers farther south. To their simple imagining the manifestations of the Great Spirit were constantly heard and seen in the works of nature. Their daily life was one of devotion to quaint and pretty superstitions and spirit worship. When De Soto, Deluna, and other white explorers first penetrated their country they found a race hospitable, virtuous, peaceable, and happy. They were met as gods, and lavished with gifts and kindness. They requited this generous treatment by treachery, rapine, and conquest.

After the white man had come among these Indians with the innovations which we proudly term civilization, the history of the Choctaws and Chickasaws is the history of the subjugation of the red race. Contact with the white man's civilization began the work of extermination and implanted in hitherto trustful breasts the seeds of hatred and revenge. The Chickasaws and Choctaws were fearfully decimated by wars with the Europeans and other tribes. During the early explorations it is said they had 15,000 warriors, while in 1720 the two tribes could muster less than 1,000 fighting men. The Choctaws allied themselves to the French in the war against the Natchez, whom the Chickasaws aided. The two latter tribes were badly beaten. From 1540 to the establishment of the American republic the Chickasaws and Choctaws were almost constantly at war. As progress followed the star of empire westward the rights of these Indians as they understood them were more and more circumscribed. In 1765 the Chickasaws made their first general treaty with General Oglethorpe, of Georgia, and in 1786, after the colonies had gained their independence, both the Chickasaws and Choctaws made a treaty at Hopewell and were guaranteed peaceable possession of their lands. From the date of this treaty the Choctaws and Chickasaws have kept faith with the federal government. The Chickasaws, in the treaty of 1834, boast "that they have ever been faithful and friendly to the people of this country; that they have never raised the tomahawk to shed the blood of an American".

As early as 1800 the encroachment of the whites filled these people with a desire to emigrate beyond the Mississippi, and many families did so. In 1803 it was estimated that 500 families had departed, mostly Choctaws. The whole nation would have gone but for the opposition of the Spaniards and the western tribes. In the war of 1812 and the Creek war the Choctaws and Chickasaws did valiant service for the United States. In 1820 the Choctaws ceded to the government a part of their territory for lands west of Arkansas. The establishment of state governments over their country, to whose laws they were subject, still further dissatisfied the Choctaws and Chickasaws, who, as their treaty put it, "being ignorant of the language and laws of the white men, can not understand nor obey them". The Choctaws were first to emigrate. By the treaty of Dancing Rabbit Creek in 1830 they ceded the remainder of their lands, 19,000,000 acres in all, and received 20,000,000 acres in the country west of Arkansas, with \$2,225,000 in money and goods. After the ratification of this treaty nearly the entire Choctaw tribe emigrated to the new lands. Those who chose to remain behind were given allotments by the government and the residue lands were sold to white settlers. In 1805, 1816, and 1818 the Chickasaws ceded all their lands north of Mississippi on liberal terms. Many of the tribe joined the Choctaw exodus to the west. In 1822 there were 3,625 Chickasaws remaining in Mississippi. In 1832 the Chickasaw Nation began negotiations with the United States for the sale of their reservation, consisting of 6,442,400 acres, and the treaty was ratified the following year. The conditions of the sale were that the government should sell the land to the highest bidder, the Chickasaws to receive the sum so derived, after the expense of the survey and sale had been deducted. It was the purpose of the Chickasaws to seek a new home in the west, whither their neighbors, the Choctaws, had gone; but in case a desirable location could not be procured, or certain members of the tribe should prefer to remain behind, the Chickasaws were allowed to take allotments pending their emigration. The government agreed to furnish funds sufficient to defray the expenses of the journey and for one year's provisions after their arrival at their new home, the amount thus appropriated to be refunded from the receipts of the sale. The amount received by the Chickasaws from the sale of these lands was \$3,646,000. The Chickasaws determined to create a perpetual fund from the sale of their lands, the money to be invested by the United States, the interest

derived therefrom to be used for national purposes. In 1834 the final treaty in reference to the cession of the Chickasaw lands and the removal of the tribe was made at Washington.

The commissioners sent by the Chickasaw Nation to seek out a new home in the west entered successfully into negotiations with the Choctaws for an interest in their lately acquired lands beyond the Mississippi. In 1837 a treaty between the two tribes was ratified near Fort Towson, in the Choctaw Nation, by which the Chickasaws, for the consideration of \$530,000 were ceded a district in the Choctaw country west of the Choctaw Nation proper. The conditions of this sale were that the Chickasaws should participate jointly with the Choctaws in the tribal government, with equal rights and privileges, the land to be held in common by both, neither tribe having a right to dispose of its interest without the consent of the other. Each tribe reserved to itself the right to control and manage its own funds invested in Washington. The lands set apart for the Chickasaws were known as the Chickasaw district of the Choctaw Nation, and members of either tribe were given the privilege of locating in either the Choctaw or the Chickasaw country proper.

During the emigration of the Chickasaws to their new home, smallpox broke out, carrying off nearly 700 of the movers. They did not settle in the Chickasaw district, but many scattered through the Choctaw country.

As a body, the Chickasaws did not advance as rapidly as the Choctaws, their large annuities encouraging idleness and improvidence. Their efforts at agriculture were insignificant, such work as there was being performed by slaves. Their first school was not established until 1851. The political relations between the two tribes, under the provisions of the treaty of 1837, were far from amicable, as instead of equal representation, as they expected, they were allowed only in proportion to population, and were therefore a powerless minority, the Choctaws outnumbering and hence outvoting the Chickasaws, thereby controlling the national offices and affairs of government. The Chickasaws, feeling themselves aggrieved, appealed to the President of the United States, and on paying \$250,000 to the Choctaws obtained by treaty of 1855 a political separation from the Choctaws and a complete title to the Chickasaw district. The Chickasaws then established their own government, and though closely allied by treaty and other relations to the Choctaws, they have maintained an independent government and distinct geographical boundaries.

By a liberal policy extended toward intermarried whites and stock raisers within their boundaries, and through their efforts in the direction of education, the progress of the Chickasaws and Choctaws was gradual until the great civil war. The agents of these nations took sides with the seceding states, and the sympathies of the Indians were naturally with the Confederate States. The Choctaws and Chickasaws furnished several thousand men for the cause and negotiated treaties with the Confederate government. The nations suffered considerably by the war, losing nearly one-fourth of their population, much stock, and of course their slaves. The United States held that by the part taken by the tribal government in the war they had forfeited all their rights, which, however, were restored under certain conditions, and the treaty of 1866 was made. This treaty, the provisions of which supersede all conflicting provisions of former treaties, is the basis of all laws pertaining to the intercourse of the Choctaws and Chickasaws with the federal government. The allotment and governmental provisions of the treaty of 1866 have never been complied with, and vexed questions have resulted therefrom.

MUSKHOGEAN FAMILY.

The Seventh Annual Report of the Bureau of Ethnology, 1885-1886, pages 94, 95, discusses the names, tribal connections, and geographical distribution of the Chickasaws, Choctaws, Creeks, and Seminoles, as follows:

Muskogee, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 94, 306, 1836 (based upon Muskogees, Hitchitees, Seminoles), Pritchard, Phys. Hist. Mankind, v. 402, 1847, (includes Muskogees, Seminoles, Hitchitees).

Muskogies, Berghaus (1845, Physik. Atlas, map 17, 1848). Ibid., 1852.

Muscogee, Keane, App. Stanford's Comp. (Cent. and So. Am.), 460, 471, 1678 (includes Muscogees proper, Seminoles, Choctaws, Chickasaws, Hitchitees, Coosadas or Coosas, Alibamons, Apalaches).

Maskoki, Gatschet, Creek Mig. Legend, I, 50, 1884 (general account of family; four branches, Maskoki, Apalachian, Alibamu, Chahta). Berghaus, Physik. Atlas, map 72, 1887.

Choctaw, Muskogee, Gallatin in Trans. and Coll. Am. Antiq. Soc. II, 119, 1836.

Chocta-Muskhog, Gallatin in Trans. Am. Eth. Soc., II, pt. 1, xcix, 77, 1848. Gallatin in Schoolcraft, Ind. Tribes. III, 401, 1853.

Chata-Muskoki, Hale in Am. Antiq., 108, April, 1883 (considered with reference to migration).

Chahtas, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 100, 306, 1836 (or Choctaws).

Chahtahs, Pritchard, Phys. Hist. Mankind, v. 403, 1847 (or Choktahs or Flatheads).

Tschahtas, Berghaus (1845), Physik. Atlas, map 17, 1848. Ibid., 1852.

Choctah, Latham, Nat. Hist. Man, 337, 1850 (includes Choctahs, Muscogulges, Muskohges). Latham. in Trans. Phil. Soc. Lond., 103, 1856, Latham, Opuscula, 366, 1860.

Mobilian, Bancroft, Hist. U. S., 249, 1840.

Flatheads, Pritchard, Phys. Hist. Mankind, v. 403, 1847 (Chahtahs or Choktahs).

Coshattas, Latham, Nat. Hist. Man, 349, 1850 (not classified).

Humas, Latham, Nat. Hist. Man, 341, 1850 (east of Mississippi above New Orleans).

DERIVATION.—From the name of the principal tribe of the Creek confederacy.

In the Muskogean family Gallatin includes the Muskogees proper, who lived on the Coosa or Tallapoosa rivers; the Hitchitees, living on the Chatahoochee and Flint rivers, and the Seminoles of the peninsula of Florida. It was his opinion, formed by a comparison of vocabularies, that the Choctaws and Chickasaws should also be classed under this family. In fact, he called the family Choctaw Muskogee. In defence, however, to established usage, the two tribes were kept separate in his table and upon the colored map. In 1848 he appears to be fully convinced of the soundness of the view doubtfully expressed in 1836, and calls the family the Chocta-Muskhog.

GEOGRAPHIC DISTRIBUTION.—The area occupied by this family was very extensive. It may be described in a general way as extending from the Savannah river and the Atlantic west to the Mississippi, and from the Gulf of Mexico north to the Tennessee river. All of this territory was held by Muskogean tribes, except the small areas occupied by the Yuchi, Na'htchi, and some small settlements of Shawni.

Upon the northeast, Muskogean limits are indeterminate. The Creeks claimed only to the Savannah river; but upon its lower course the Yamasi are believed to have extended east of that river in the sixteenth to the eighteenth century. The territorial line between the Muskogean family and the Catawba tribe in South Carolina can only be conjectured.

It seems probable that the whole peninsula of Florida was at one time held by the tribes of Timuquanan connection; but from 1702 to 1708, when the Apalachi were driven out, the tribes of northern Florida also were forced away by the English. After that time the Seminoles and the Yamasi were the only Indians that held possession of the Floridian peninsula.

PRINCIPAL TRIBES.—Alibamu, Apalachi, Chicasa (Chickasaw), Choctaw, Creek or Maskoki proper, Koasati, Seminole, Yamacraw, Yamasi.

POPULATION.—There is an Alibamu town on Deep creek, Indian territory, an affluent of the Canadian, Indian territory. Most of the inhabitants are of this tribe. There are Alibamu about 20 miles south of Alexandria, Louisiana, and over 100 in Polk county, Texas.

So far as known only 3 women of the Apalachi survived in 1886, and they lived at the Alibamu town above referred to. * * * There are 4 families of Koasati, about 25 individuals, near the town of Shepherd, San Jacinto county, Texas. Of the Yamasi none are known to survive.

FIVE TRIBE SURVIVORS OF THE WAR OF THE REBELLION.

In compliance with the census law, efforts were made to obtain the names, service, and organizations of surviving soldiers of the war of the rebellion or the names of the widows of the same. At the breaking out of the rebellion The Five Civilized Tribes entered into treaties with the Confederate States, and it was claimed they forfeited treaty rights with the United States. It was difficult to obtain information on any of these points. Ex-soldiers were reluctant to answer and widows refused. Some years ago in Indian territory there was a good deal of trouble over matters connected with the bounty and pay of some of the Indian soldiers who served in the Union army. It was the subject of congressional investigation and made the Indian ex-soldiers cautious afterward as to questions they answered or signatures to papers. This cause, added to the natural caution of the Indian as to the purpose or intentions of the white men, resulted in the enrollment of but few Indian soldiers on the special schedules.

The archives of the War Department show the number of men and organizations raised in the Indian territory among The Five Civilized Tribes of Indians for the Union and Confederate States armies during the late war to have comprised three regiments of Indian home guards in the service of the United States, viz:

Total.....	5,238
First regiment, strength during service.....	1,848
Second regiment, strength during service.....	1,901
Third regiment, strength during service.....	1,489

and some 20 organizations in the Confederate States army, the particulars of which are given in the letters in the appended note. (a)

The deaths among these from all causes, killed, wounded, or diseased, was 1,018.

The Indian brigade in the Union army was engaged in 28 battles or affairs, besides many skirmishes.

In a report from the Quartermaster General's office, called "The Roll of Honor", issued in 1884, under the title, "The National Cemetery at Fort Gibson", the number of burials is given at 2,427, of which but 215 are

a The letters received from the War Department in reply to a request for a verification of the number of men and the organizations raised among these Indians were as follows:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,

WASHINGTON, February 16, 1894.

SIR:

In answer to your favor of the 14th instant it gives me pleasure to submit a list of Indian organizations that served in the Confederate States army, viz:

First Cherokee Cavalry Battalion, Major Benj. W. Meyer. First Cherokee Cavalry Battalion, Major J. M. Bryan. First Cherokee Mounted Rifles (also called Second. See Drew's Cherokee Mounted Rifles). First Cherokee Mounted Rifles, Colonel Stand Watie. First Chickasaw Cavalry Battalion, Lieutenant Colonel Joseph D. Harris. First Chickasaw Cavalry Regiment, Colonel William L. Hunter. First Choctaw Cavalry Battalion (afterward First Choctaw War Regiment), Lieutenant Colonel Franceway Battice. First Choctaw Battalion (afterward Third Choctaw Regiment), Lieutenant Colonel Jackson McCurtain. First Choctaw and Chickasaw Mounted Rifles, Colonel Douglas H. Cooper. First Choctaw Cavalry War Regiment (in 1864 known as Second Choctaw Regiment), Colonel Simpson N. Folsom. First Choctaw Cavalry Regiment, Colonel Sampson Folsom. First Seminole Cavalry Battalion (afterward First Seminole Regiment), Lieutenant Colonel John Jumper. First Creek Cavalry Battalion, Lieutenant Colonel Chilly McIntosh. First Creek Regiment, Colonel Daniel N. McIntosh. Second Cherokee Mounted Rifles, Colonel William P. Adair. Second Creek Regiment, Colonel Chilly McIntosh. Third Choctaw Regiment (formerly First Choctaw Battalion), Colonel Jackson McCurtain. Cherokee Battalion, Major Moses C. Frye, Major Joseph A. Seales. Chickasaw Cavalry Battalion, Lieutenant Colonel Martin Sheco. Drew's Cherokee Mounted Rifles (called First and Second), Colonel John Drew. Osage Battalion, Major Arm Broke.

Respectfully,

H. C. CORBIN,

Assistant Adjutant General.

To JAMES H. WARDLE, esq.,
Acting Superintendent of Census.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,

WASHINGTON CITY, March 6, 1894.

SIR:

Referring to your letter of the 17th ultimo, relative to the number of Indians from the Indian territory in the military service of the United States during the late war, I am directed by the Secretary of War to inform you that there were 3 regiments of these troops (home guards), numbering from organization to muster-out:

First regiment.....	1,848	Third regiment.....	1,489
Officers.....	64	Officers.....	52
Enlisted men.....	1,784	Enlisted men.....	1,437
Second regiment.....	1,901	Aggregate.....	5,238
Officers.....	66	Officers.....	182
Enlisted men.....	1,835	Enlisted men.....	5,056

These Indian regiments were officered by both white men and Indians, probably two-thirds of them being of the former class, and for that reason the number of officers and enlisted men have been given separately.

From an official statement prepared by this department in 1872 it appears that the First Regiment was composed principally of Creek Indians, the Second of Osages and Cherokees, and the Third of Creeks and Cherokees.

The number of Indians from the Indian territory, if any, enlisted in organizations bearing state designations can not be ascertained.

marked as known and 2,212 as unknown. Of the 215 marked as known about 150 are of Indian soldiers of the Indian Union regiments. (a)

CONCLUSIONS AND SUGGESTIONS.

TOWN SITE ACT.

Congress should pass a town site act for The Five Tribes, forcing their consent, if necessary, to the end that valuable accrued property rights shall be protected. Millions of dollars are now invested by citizens of the United States in the several towns of Indian territory with no legal or proper protection. Trade and the interests of commerce necessitated the building of stores, warehouses, hotels, and dwellings, and these outlays would thus be protected.

Railroads are chartered through The Five Tribes, and cities, towns, and villages grow up along them in aid of their operation. Congress should incorporate these towns and provide for a legal method of registering and passing title to these various properties or adjuncts of railroad trade and commerce. The Adams Home at Muscogee was ordered built in aid of commerce by the United States district court of the lower district of Kansas on application of the receiver of the Missouri, Kansas, and Texas road.

The Indian occupancy claimant to the land on which the town is, or the nation claiming the land, could be paid, say \$10 or more per acre for it, and the town site then be parceled out to lot holders, the remaining lots to be sold for the benefit of the town. The commission in charge of the allotment in each of The Five Tribes could take charge of the town site allotment as well. In any view of Five Tribe affairs, town sites are the serious problems. They should be settled first, and at once, by Congress exercising its right of eminent domain and in aid of internal commerce. Much of the discontent among the whites of The Five Civilized Tribes would cease could title be acquired to town lots. The Five Tribes will probably never pass an incorporative law by which whites or colored, so-called intruders, can get title to lots. Congress will have to do this. The passage of a general town site act of 320 or 640 acres each by Congress will be first in order. Then the question of allotment of the remaining lands can come up. Whatever is to be done as to town sites should be done quickly, as delay only thickens the danger and makes the work more difficult.

LANDS.

The proper settlement of the land question in The Five Civilized Tribes of Indian territory presents one of the most serious problems the United States has as yet had to deal with in connection with the Indians. They are not on reservations, but on lands patented to each nation (except the Seminoles, and theirs they bought), to be held by them as long as they shall remain nations. They have homes, farms, towns, churches, schools, capitol buildings, courts, laws rigidly enforced, and peace and order. They ask no alms from the nation and are self-sustaining, self-reliant, and fairly well off in worldly goods. Promises will not settle this question. These Indians, often Indians in name only, can not be driven off, cajoled, or threatened. Glass beads, beef, firearms, gewgaws, vermilion, and feathers will not reach these people. The United States is to meet as able a class of leading men in these communities as can be found in the civilized communities of the old states, and they have the means to employ counsel and defend their rights. In addition, public sentiment throughout the nation will resist any attempts to wrongfully despoil these people of lands they have occupied and owned for 60 years. The vast army of whites covering many of the nations of Indian territory demand that they shall be allowed to make homes on the unoccupied Indian lands. These whites are there by sufferance of the nation and the Indians. Any acts of the nation by which these surplus Indian lands shall be turned over to the whites who are noncitizens of The Five Tribes before the land question is settled satisfactorily to The Five Tribes would smack of confiscation. This can not be done in this enlightened age. The surplus lands above allotment to the citizens of The Five Tribes will of course be sold to whites or others, but not at the usual rate for the present public domain, \$1.25 per acre. The whites who are residents of The Five Tribes at the time of the sale of the lands should have a preferred right above new comers, but no favors above any others as to price.

ALLOTMENT.

The allotment of Five Tribe lands can not be proceeded with in the manner that lands of the reservation or wild Indians are allotted. Whatever proceedings are had in Indian territory as to the final breaking up of The

The foregoing figures are given in lieu of those contained in the statistical table published by this department under date July 15, 1885, and those given in a letter from this department of October 30, 1891.

Very respectfully,

To the ACTING SUPERINTENDENT OF CENSUS.

F. C. AINSWORTH,
Colonel United States Army, Chief Record and Pension Office.

a For an account of the Indian brigade in the year 1863, see "Memoirs of the Rebellion on the Border, 1863", by Wiley Britton, late Sixth Kansas Cavalry, Chicago. Cushing, Thomas & Co., publishers, 1882.

For a history of the Indian troops from The Five Civilized Tribes of Indian territory in the Union army, see a report made by S. S. Burdett, M. C., in the House of Representatives, June 8, 1872, entitled "Alleged frauds against certain Indian soldiers".

An account of the condition of The Five Tribes in 1861 and 1862 and their sympathy with the Confederacy or service in its army can be found in 2 reports from the committee on foreign missions made to the general assembly of the Presbyterian church in the Confederate States of America; one at Augusta, Georgia, December 4, 1861, and the other at Montgomery, Alabama, May 1, 1862.

Five Tribes and their becoming citizens of the United States and as to the lands to be allotted, the steps to reach such results must be slowly taken, as Indians think and act slowly upon all questions affecting their lands or property rights. The necessary action to dismember The Five Civilized Tribes as nations and put them into citizenship must be taken cautiously and the Indians thereof be made to understand what is expected of them by slow and deliberate approaches. It can be accomplished in this way only. Hurried visits of a commission to these people will result in failure. Time and discussion are the only methods of success.

The lands of 4 of The Five Tribes are patented to each nation. A patent has been held by the Supreme Court of the United States to be a "grant executed". The features in these patents varying, a fee may be equitable, provisions probably inserted more for the protection of The Five Tribes against designing men in the tribes than for outsiders, and leaving the United States as referee in the matter.

To declare The Five Civilized Tribes citizens of the United States prior to the settlement of all questions as to their lands and legal and civil rights would be unjust and end destructively to them. The United States can and should alone settle all questions in controversy. After the Indians are established in their land holdings, the sale of the surplus land made, and the proceeds distributed to rightful Indians or Indian citizens owning them, The Five Tribes will have an even chance with others who occupy Indian territory, but not until then; and statehood can then be considered. The moral sentiment of this republic will not permit this people to be despoiled or unjustly treated. These are not wards of the nation nor wild men dependent on the treasury for food. They are not on the ordinary Indian reservation, but on lands patented to them by the United States.

Allotment of Five Tribe lands under laws of the United States should mean the selection by each Indian and setting aside of a tract of 160 acres of land or less to him, and the sale by the United States of the surplus lands, after survey, to settlers and others, paying over the proceeds pro rata to the Indian owners, deducting the expense of survey and sale. The law for this proceeding will be different from any other heretofore adopted, because the lands have a large actual value over any other lands of the public domain, and to sell them below a justly appraised value would be an error. These lands will average more than \$10 per acre in value. Many tracts of 160 acres will sell for \$75 per acre; besides, when the lines of the legal subdivisions are run, many valuable improvements will be found to be on the surplus tracts. These must be appraised and the value given to the Indians who own them. The Seminoles will probably have no surplus lands to sell.

The per capita distribution of surplus money among these Indians will be on a probable value of \$100,000,000, but differing in proportion in the several tribes. In the winding up of these questions there will be many opportunities for gigantic frauds unless a careful law is drawn and vigorously executed.

Great care must be exercised that The Five Tribes do not exclude any one who is entitled to citizenship. Citizenship in these tribes may mean 160 acres of land and may be about \$1,800 from the sale of surplus lands. The United States alone can judge this on appeal. Courts would be too slow. Four commissions of three each, with full powers, under laws of Congress, and for the Cherokees, Creeks and Seminoles, Choctaws and Chickasaws, would be the best method, after a statute of limitation had been passed. The claimants are not now numerous, but with plunder in sight they will rise up like an army.

Unquestionably, in the settlement of the entire Indian question, The Five Tribe problem presents the most difficulties, and will require the most prudence and care. The nation, in dealing with these people, will find men mentally able to cope with the ablest and fully advised as to the right.

After citizenship is settled and land tenures are fixed, full criminal jurisdiction can be given the United States court in Indian territory, as the juries of citizens can be drawn, and the inducement to drag people hundreds of miles from their homes merely to get fees will cease.

With the freedman question settled, their lands allotted, and the surplus acres, where there are any, sold for their benefit, these people are well fitted for statehood. The small actual Indian population would be absorbed and hardly noticed in the population, which would soon utilize the lands and other resources of the territory. (a)

a THE QUESTION OF STATEHOOD —For the settlement of the question of statehood for The Five Civilized Tribes several plans have been proposed.

In reply to inquiries from the Census Office as to his views, first, on the powers of the United States Indian agent in the Indian territory; second, what shall be done with the political part of the territory; shall it be organized into a state? third, which are the objectionable features of the laws of the several nations, or The Five Tribes, Leo E. Bennett, United States Indian agent for The Five Tribes and enumerator for the same for the Eleventh Census, wrote as follows:

POWERS AND DUTIES OF THE UNITED STATES INDIAN AGENT, FIVE TRIBES.

UNION AGENCY, MUSKOGEE, INDIAN TERRITORY, May 29, 1891.

Hon. ROBERT P. PORTER,
Superintendent Eleventh Census, Washington, D. C.

SIR:

I have to acknowledge the receipt of your favor of the 22d instant, requesting my views on certain questions. Replying thereto, I will say that the authority for the appointment of Indian agent is vested in the President under section 2052, Revised Statutes of the United States. The requirements, liabilities, and duties of an Indian agent are set forth in succeeding sections up to and including section 2078.

Sections 2147 and 2149 confer upon superintendents, agents, and subagents the authority to remove from any Indian reservation "persons found therein contrary to law, or whose presence within the limits of the reservation may, in the judgment of the commissioner, be detrimental to the peace and welfare of the Indians".

Section 465 provides that "the President may prescribe such regulations as he may think fit for carrying into effect the various provisions of the act relating to Indian affairs," etc.

THE CHEROKEES.

BY FLETCHER MEREDITH, SPECIAL AGENT.

LOCATION.—The Cherokee Nation occupies the principal part of the northeast portion of Indian territory extending south to the Arkansas river, which is the boundary line of their lands from the state line of Arkansas

Section 463 provides that "the Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeable to such regulations as the President may prescribe, have the management of all Indian affairs and of matters arising out of Indian relations".

The Attorney General, in Opinions VII, 453, held: "As a general rule, the direction of the President is to be presumed in all instructions and orders issuing from the competent department".

Referring to *Wilcox v. Johnson*, 13 Peters, 498, "the President speaks and acts through the several departments in relation to subjects which appertain to their respective duties".

Section 2058 provides that "each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians agreeable to law, and execute and perform such regulations and duties not inconsistent with the law as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs".

These and other sections of the Revised Statutes are not obsolete, have never been repealed, and, it seems to me, are paramount in the government of the Indian country. They conferred upon the Indian agent powers judiciary and executive, authority to make and enforce such rules and regulations not inconsistent with law as, in his judgment, he deemed necessary for the interest or welfare of the Indians under his charge, an arbitrary, monarchical power not now in keeping with the institutions of this free country, but which, on the other hand, seemed necessary in the early period of Indian government, when the Indians were far beyond the jurisdiction of the federal courts and the enforcement of intercourse was against the fugitive and outlaw only. The status of the Indian agent's authority is one that is undefined, that is to say, not so clearly defined as to relieve him from the embarrassments and entanglements which beset him in the discharge of his duty, from clashing with the federal courts claiming jurisdiction, which, if ever possessed by the agent, has never been taken away from him. This is but the natural outcome of the changed condition of affairs brought about by the advance of civilization and the changes incident to the advent of the white man, for, except so far as the landed interests of the Indian is concerned, this can not now properly be called Indian country. Laws that were made for the governance of savages and wards can not be enforced in the interests of the Indians, who are the equal in every respect to their white brothers whom they have invited into their domain. The power of the Indian agent appears to me to be sufficiently strong to cope with any emergency that might have arisen at the time and under the conditions which made his employment necessary, but something better than the agency system, more capable and efficient, with powers more clearly defined, should succeed it in the present advanced stage of civilization to which these former wards have attained. And what shall this be?

What shall be done with the lands of The Five Tribes? What shall be done with the political part of the territory? Shall it be organized into a state?

The right to make and carry into effect such laws as they may deem necessary for the protection, for the government, of the persons or property within their own country has been guaranteed to these Indians by treaty stipulation. It is therefore their privilege to say what shall be done with their lands, if they decide in time and before a hasty decision is forced upon them. It is a self-evident and admitted fact that if the Indians would secure themselves the greatest benefit of their landed interest a change must be made in the manner of their holding, some more potent and certain protection of their interest must be secured.

No argument is needed to shake the faith of any thinking, intelligent Indian of The Five Tribes in the power of treaty pledges or provisions or the ability of the federal government to enforce the same as a protection of the Indians' interest; too much evidence of the insufficiency of both confronts us. As a proof of this, we see the Chickasaw and Cherokee countries overrun with intruders and spurious claimants to citizenship, usurping thousands of acres of the best land. These lands have been patented to the Indians, the only reservation being that they are inalienable except to the United States. As I said before, the right of self-government, the right to make laws for the protection of the person and property within their own country has been guaranteed to these Indians, and yet in a recent session of Congress it required the most strenuous efforts on the part of the Choctaw Nation and others interested in their behalf to prevent the passage of a bill practically placing beyond the control of the Choctaw national council for a period of a century a large and most valuable portion of the Choctaw domain, and placing at the disposal of an alien corporation lands that have for many years been pre-empted by citizens of the Choctaw Nation and were theirs by inherent right.

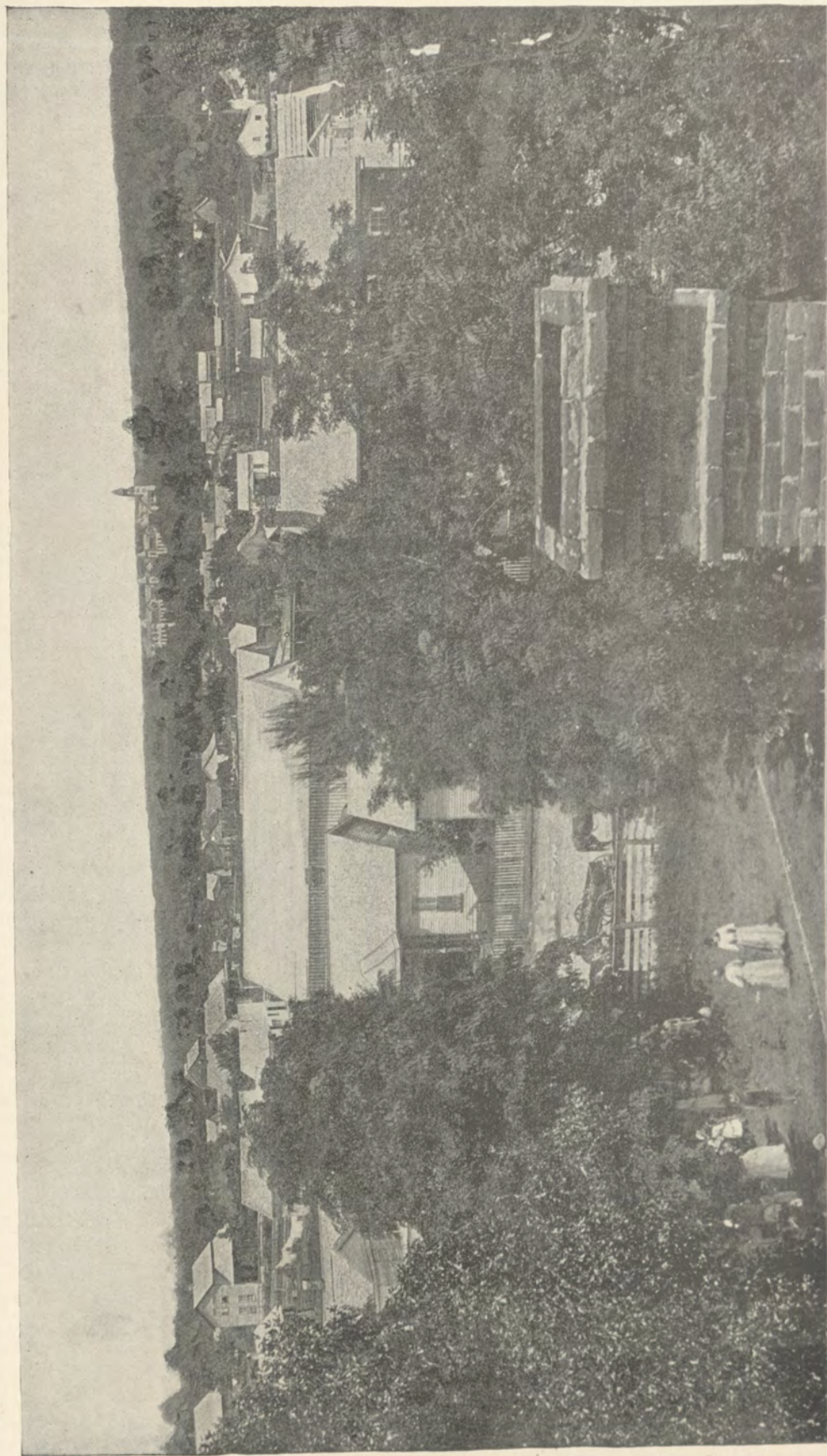
LANDS IN SEVERALTY.—That a change must and will come soon is an admitted fact, and is openly advocated by many who have heretofore been adverse to such a proposition or have dodged the issue. I believe a per capita division of the lands is preferable to the allotment plan, and would be the choice of the Indians themselves. The taking of land in severalty, thereby creating individual interests, which are absolutely necessary to teach the benefit of labor and induce the following of civilized pursuits, the coalition of these five civilized nations under a state government by and for the Indians would secure to them the strongest protection to their interests, and would form one of the grandest and richest states in the Union, and would afford ample scope for the gratification of the ambition of many bright and talented Indian citizens, who, if opportunity were offered, could display an ability in the management of affairs of state or nation that would place them in the front rank as legislators, men who are a credit to any community and whose opinions are valued at home and abroad. I do not believe, however, that a state government by and for the Indians alone will ever exist in The Five Tribes. The situation is too complex. It need not necessarily exist to secure the protection needed and desired for and by the Indians. Secure to them their landed interests and they are prepared to-day to assume the responsibilities and to exercise the rights of a citizen of the United States. "What shall be done with the Indian lands and what shall be done with the political part of the territory" may well be merged into one question.

WHITE MEN IN THE FIVE TRIBES.—One of the principal factors that must eventually enter into the solution of this question is the interest of the white man legally acquired in the Indian country, the interest of the merchant, the farmer, and laborer who have availed themselves of the liberal laws of the several nations and have devoted time and energy and invested their money in the development of the resources and increasing the natural value of the country. It is true they too have reaped the benefit from a residence here, but what they have acquired they have paid for at the price demanded by the Indians' laws, and about must be taken into consideration. The interest of the white man is increasing every day, and with the consent of the Indians themselves, and although he can not under existing laws and conditions obtain any right to the soil the interest of the white man and the Indian are so closely allied, from a social as well as a business standpoint, that a form of government, when a change is made, that would inure to the benefit of the one would prove equally beneficial and would enable them easily to adapt themselves to the broader sphere of action in which they would move under a state government. Why, then, when the change is made, should not the usual intermediary condition of a territorial government be jumped, and by some well devised plan of political unification, in which the interests of all shall be taken into consideration, should not the questions of what shall be done with the lands of The Five Tribes and what shall be done with the political part of the territory be settled on the firm basis of state government?

OBJECTIONABLE FEATURES OF LAWS OF THE FIVE TRIBES.—As to the "objectionable features of the laws of the several nations of The Five Tribes", I will say that an attempt to enter fully into details or particularize in the matter is impracticable, and would make a cumbersome letter that, in my opinion, would not be so much to the purpose as to consider the matter in a general way. By this I would not convey the idea that I consider their laws all or for the greater part objectionable; the reverse is the case. The objections exist, in my opinion, not so much to the laws themselves (with few exceptions) as to the manner of their enforcement in some instances, the impossibility of enforcement in other instances, the ease with which measures in the interest of individuals and detrimental to the common welfare are passed by Indian legislatures, and the inability of the several nations, under existing circumstances, to enact such laws

Eleventh Census: 1890.

Five Civilized Tribes.



From a photograph by R. C. ADAMS, Talequah.
New York Engraving & Printing Co.

Talequah, Capital Cherokee Nation, 1890.

west and north to a point near Fort Gibson. From near Fort Gibson the line runs north about 25 miles, thence west to the ninety-sixth degree of west longitude, and thence north to the Kansas state line. In this body of land, bounded on the north by Kansas and east by Missouri and Arkansas, there are about 5,031,351 acres. At the extreme northeast corner of this tract, joining the states of Kansas and Missouri and extending west as far as the Neosho river, are the reservations of the Peorias, the Quapaws, the Ottawas, the Modocs, the Shawnees, the Wyandots, and the Senecas, granted them previous to the location here of the Cherokees, and under Quapaw agency.

The Cherokee country is beautifully diversified, the northwestern part being rolling prairie and the southern and eastern portions hilly, mountainous, and covered with forests. The entire body of land is well watered by numerous rivers, streams, creeks, and springs, and is most excellent for farming and stock raising.

The streams abound in fish and the prairies and hills and mountains in game. Antelope, prairie chickens, and quail are plentiful on the prairie, while wild turkeys are near the timber, and bear, deer, and black and gray wolves are found in the hills and mountains. Mocking birds, red birds, and cat birds are among the songsters. Hundreds of springs of pure, clear, soft water break out from the hills and slopes, and others with medicinal and healing properties are numerous, among them being chalybeate, saline, and sulphur springs.

There are also veins of excellent coal lying near the surface, quarries of good building stone, and many varieties of the best timber. Fruit, both wild and domestic, grows in great quantities wherever it is cared for. Lead and zinc may be found in the northeastern portion of their lands, as the adjacent portion of Missouri contains valuable mines of these minerals.

The Cherokee Nation claims to own another body of land lying south of the state of Kansas and extending from the ninety-sixth to the one hundredth degree of longitude, except about 2,000,000 acres which they have sold at different times to the Osages and a-half dozen other tribes of friendly Indians. This is mostly covered with grass and would give subsistence to hundreds of thousands of cattle. All of this body of land, together with about 5,000,000 acres before described, is claimed by the Cherokee Nation under a fee simple title and the patent which was issued to them signed by President Martin Van Buren in the year 1838. It is held by the nation as tenants in common.

This "Cherokee Outlet", so called, about 60 miles in width, containing 5,908,783 acres, has long been a subject of contention, the Cherokee Indians, on the one hand, claiming an unextinguished title thereto under treaties and a patent in fee simple executed in 1838, while, on the other hand, parties desiring to settle on these lands claimed that the Cherokee Nation had only an easement in the "Outlet" for a purpose of reaching hunting grounds farther west. Under this claim settlers from time to time have gone upon these lands, but have been ejected therefrom by the government, as have been cattlemen to whom the Cherokee Nation leased the lands, so that at the present time they are practically unoccupied.

A commission was appointed by the President under and by authority of an act of Congress approved March 2, 1889, to negotiate with all Indians who claimed or owned lands in the Indian territory west of the ninety-sixth meridian for the cession thereof to the United States.

After concluding negotiations with other tribes of Indians this commission entered upon negotiations with the Cherokee Indians, which resulted in an agreement for the relinquishment of any interest they might have in and to the "Outlet" lands to the United States, including also the surrender of any title that they had in and to the lands east of the ninety-sixth meridian not embraced within their home country, amounting in all to 8,144,682.91 acres, for the net sum to be paid to the said Indians of \$8,595,736.12. This has since been confirmed by Congress with certain limitations and restrictions, which the Cherokees have accepted.^(a)

as will protect the white element now legally within their borders, and at the same time insure to themselves the rights which have been theirs under existing treaties. This last objection covers for the most part the whole question. The others are to be found in more advanced forms of government quite frequently.

The laws framed before the many perplexing questions of the day entered into the considerations which made their enactment necessary are per force of circumstances inadequate to the present requirements. The authority vested in the Indian nations to make laws that will be just and fair to the varied interests now existent within their limits is likewise inadequate. The treaties on which their right of lawmaking exist were framed when the Indians' only desire was to govern themselves and not the white man and his property. Yet their laws were so framed that inducements were thrown out to white men to come in, and the white man has not been slow to avail himself of the opportunities thus offered him and has come in until he outnumbers the Indian four [two] to one. Where so many thousand civilized people have settled in communities and established interests, social and financial, it is necessary that laws should be prescribed to regulate their conduct, to protect the right and suppress the wrong. The absence of law is a constant menace to their safety and a drag on the wheels of progress.

What facilities have the Indian nations within themselves for legislation to protect the white man in his legitimate enterprises or restrain him in the usurpation of privileges to which he is not entitled? Nothing, except the right secured to them by treaty "to make and carry into effect all such laws as they deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them, provided always that they shall not be considered as extending to such citizens and to the army of the United States as may travel or reside in the Indian country by permission, according to laws and regulations established by the government of the same".

FROM TRIBAL TO STATE GOVERNMENT AND CITIZENSHIP.—The interests of "such citizens of the United States as reside in the Indian country by permission" and those of the Indians themselves are so clearly identical at this time, or if not identical so closely allied, as to render the enactment of any law that would extend to this class of persons a useless expenditure of legislative ability. The inadequacy of the Indian laws of the civilized nations, their inability under their present status to increase their efficiency is, in my opinion, the most objectionable feature: their inability to make and enforce such laws as will protect their own interests and the alien interests that form a part of their commonwealth. The principle upon which this government within a government exists to-day is wrong, so far as the Five Civilized Nations are concerned. The conditions which rendered self-government feasible for them have changed. These changes have in a measure been the natural result of their own legislation. They should follow to the end and pass from their tribal condition to statehood and citizenship in the United States.

^a As to the title of Cherokees to the "Outlet", see Senate Executive Document No. 63, Fifty-second Congress, first session.

GOVERNMENT.

The constitution adopted in 1825 was the first attempt of the Cherokees to establish a regular form of civil government. Under that constitution the government was divided into 3 distinct departments, the executive, the legislative, and the judicial.

EXECUTIVE.—The executive officer is a principal chief. There is also an assistant principal chief, but he does not stand in the line of succession and does not become chief in the event of a vacancy in the principal chieftaincy. In the event of a vacancy by death, removal, or from any cause, the assistant acts until the national council causes the vacancy to be filled. He is also the constitutional adviser of the principal chief. The chief and the assistant principal are elected for 4 years. The salary of the former is \$2,000 per year and that of the latter \$1,000. Their principal chief has the veto power over all acts of the council, and it requires a two-thirds majority to override his veto. He must visit every district in the nation at least once in 2 years. The chief has the appointment of an executive secretary and as many assistants as are found necessary.

The national council in joint convention elects a national treasurer to serve 4 years. His duties and responsibilities are suggested by his official title. The national treasurer's salary is \$1,000 per year. There is also an auditor of public accounts elected by the national council for a term of 2 years with a salary of \$400 per year.

JUDICIAL.—There is a supreme court consisting of 3 members, a chief justice, and two associate justices. Their salaries are \$600 each per year.

The jurisdiction of the supreme court extends to all civil cases appealed from the circuit courts wherein the amount in controversy exceeds \$100. No appeal lies to the supreme court in any criminal case whatever. The verdict of the jury in a criminal case is final. Only an application to the executive for pardon or commutation of sentence remains for the defendant. In the trial of all criminal cases involving capital punishment, one of the supreme judges presides. Each supreme judge is assigned to a circuit composed of three districts. The supreme judges hold their office for the term of 3 years, one term expiring annually on the third Monday in November. They are elected by a joint vote of the two houses of the legislature. The supreme court meets annually on the first Monday of October and continues in session until the docket is disposed of in some way.

In the trial of capital offenses, the supreme judge in whose criminal circuit the offense was committed is required to call a special term of court for such trials. He selects the names of 144 persons, qualified electors of each district in the circuit, deposits the same written on small slips of paper in a box; the sheriff then, in the presence of the clerk, draws, by chance, 24 names to be summoned as the venire in the case. The prosecution may challenge 6 and the defendant 6; the remaining 12, if otherwise qualified, try the case. In all criminal trials the verdict of the jury to convict must be unanimous.

Any man can practice law without examination, the license fee for admission being \$10, to be paid to the clerk of the district for the use of the nation. No legal knowledge is required by law for the position of judge, the only qualification being citizenship and votes.

There is a national editor of the Advocate, which is a weekly paper published partly in Cherokee and partly in English. The editor is elected biennially by a joint convention of the 2 houses of the council, and his salary is \$600 per year. The nation owns the entire plant and publishes all legal advertisements. All the receipts of the office from any source are accounted for, and the deficit is met by an appropriation out of the national treasury. The editor is allowed a translator, whose salary is \$400 per year.

The principal chief appoints a high sheriff at a salary of \$600 per year, and his duties are similar to those of the warden of a state penitentiary, he being in charge of the national prison located at the capital. The senate must approve and confirm the appointment of the high sheriff.

The nation is divided into 3 judicial circuits with a judge for each elected by the people for a term of 4 years, and they hold court at stated times in each of the nine districts. Each district has also a judge, a clerk, a prosecutor, and a sheriff. This district court has a jurisdiction limited to cases involving less than \$100 and with an appeal to the circuit courts. The courts of the nation have jurisdiction of cases arising between citizens. If either plaintiff or defendant is not a citizen the case goes to the United States court.

There has been great progress made by both the bench and the bar of the Cherokee Nation within the last 15 years, the practice now being the same as it is in several states. The records are all kept in the English language, though there is need for interpreters in all the courts where there are jury trials.

LEGISLATIVE.—The legislative department is composed of 2 bodies, the senate and the council. Each district, without reference to its size or population, is entitled to a representation of 2 members in the senate, but in the lower house the representation is based on population or votes. The members in both houses are elected for a term of 2 years. There are 9 districts and 18 senators. The council is composed of 40 members. Each house elects its own officers to serve for a term of 2 years.

Among the officers of each house of the legislature are included 3 interpreters, 1 in the senate and 2 in the

Eleventh Census : 1890.

Five Civilized Tribes.



New York Engraving & Printing Co.

Reading the Chiefs Message, 1889, in Public Grounds, Talequah, Cherokee Nation.—Opening of the Legislature.

Eleventh Census: 1890.

CHEROKEE SENATE, TALEQUAH, 1889 and 1890.

Five Civilized Tribes.



1. L. B. Bell, President of Senate.
2. William Rogers.
3. Henry Ross.
4. Walter Agnew.
5. S. H. Mayes.

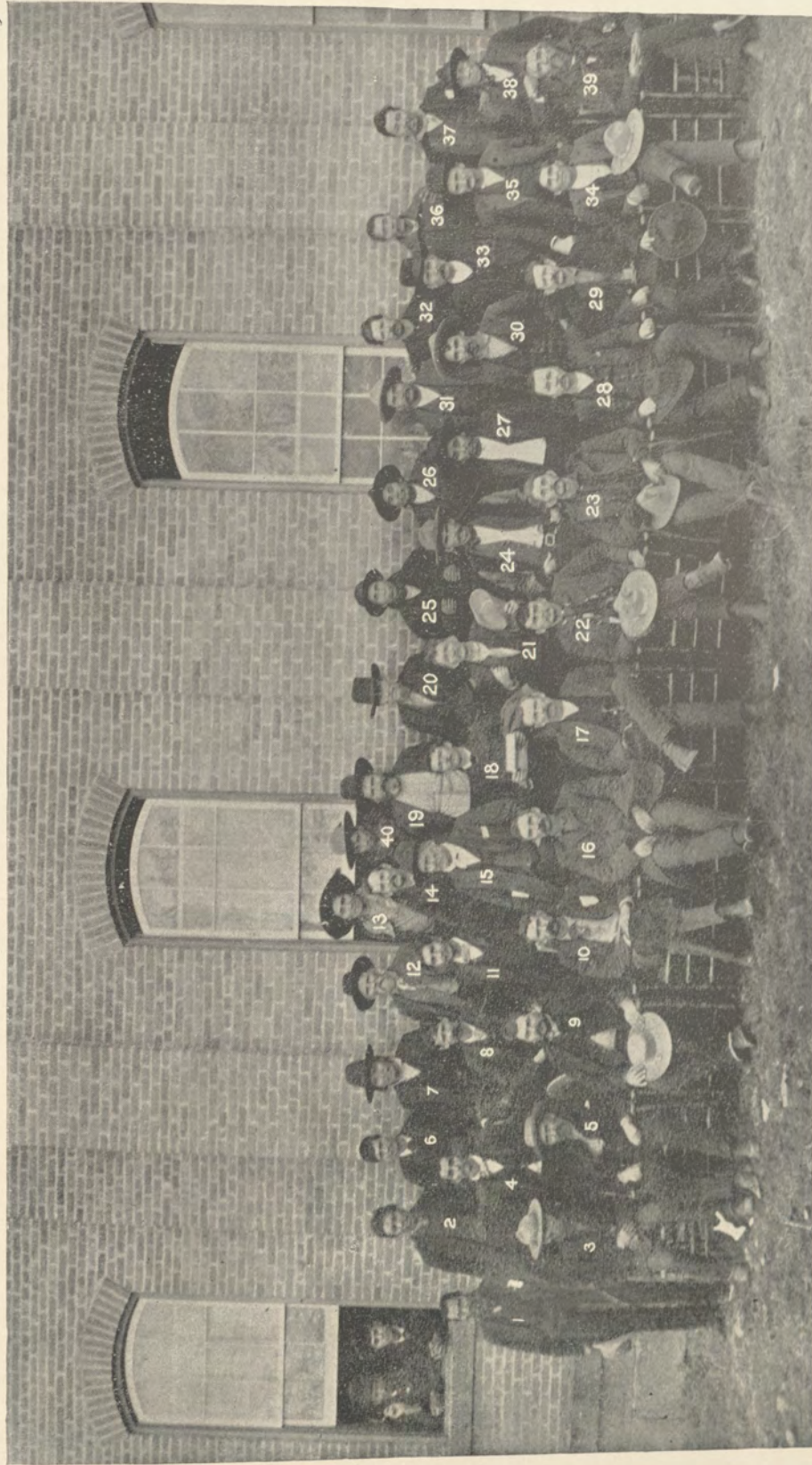
6. Wash Swimmer.
7. William P. Ross.
8. John Meigs.
9. Johnson Whitmore.
10. David Faulkner.

NAMES OF SENATORS.

11. William Triplett.
12. Stephen Tehee.
13. Roach Young.
14. Jackson Christie.
15. Rabbit Bunch.

16. W. P. Henderson.
17. William Mayes, Interpreter.
18. John Welch, Ass't. Interpreter.
19. A. H. Norwood, Clerk.
20. T. B. Downing, Ass't. Clerk.

Members of the Council Branch of the National Council of the Cherokee Nation, Talequah, 1889 and 1890.



COUNCIL MEMBERS.

- | | | | | | |
|---------------------------------|----------------------|------------------------------|----------------------|-----------------------|----------------------------------|
| 1. Joseph Lapp. | 8. Calvin Fargo. | 15. Dick Crossland. | 22. Billy Barker, | 28. Frank Consene, | 34. Oce Dew. |
| 2. Ned Frog. | 9. Morgan West. | 16. James Monroe. | Speaker of Council. | 29. Coon Povois. | 35. James Fields. |
| 3. James Horsefly, Interpreter. | 10. Simpson Melton. | 17. D. W. Vann. | 23. Zaik Taylor. | 30. James Starr. | 36. Fox Glass. |
| 4. Jug Starr. | 11. George McDaniel. | 18. Will P. Thompson, Clerk. | 24. William Holt. | 31. Isaac Groves. | 37. Daniel Gritts. |
| 5. George Walker. | 12. Jerry Alberty. | 19. Didd Beck. | 25. Nelson Terrapin. | 32. Red Bird Smith. | 38. Frog Six Killer. |
| 6. George Blair, Ass't. Clerk. | 13. James Wickliffe. | 20. W. W. Chambers. | 26. Charles Tehee. | 33. William Mitchell. | 39. Coffee Woodall, Interpreter. |
| 7. James Christie. | 14. George Bullette. | 21. Isaac Bertholf, Auditor. | 27. Phillip Bennett. | | |

New York Engraving & Printing Co.
 1 Member not shown. The Council consists of 40 Members.

house, and all proceedings, motions, the reading of bills, petitions, and all other papers and all speeches must be in both languages. If a member makes a speech or a motion in English the interpreter repeats it in Cherokee before any action is taken, and if the speech or motion is in Cherokee the interpreter translates it into English. In the senate the interpreter sits while translating, but in the house he stands. Very few of the members of either house can write and speak both languages. Interpreters are paid the same as members, \$3 per day.

The regular legislative session begins on the first Monday in November, and the time for which members can draw pay is limited to 50 days. They can sit longer, but without pay. The principal chief can convene the legislature in extra session at any time, and they sit till he dismisses them. In an extra session only legislation can be had on such subjects as the principal chief designates.

REVENUES.—The lands of the Cherokee Nation are held in common. Each man controls all he holds as long as the possession continues, but after an abandonment of 2 years any one can take possession. This being the case no tax can be levied and collected on that class of property. In fact, no tax on property of any kind is collected. The revenue of the Cherokee Nation has been derived from several sources, all of them furnishing inconsiderable amounts except two: funds invested in United States bonds and the lease money received from the stock men for the pasturage of the lands west of the ninety-sixth degree of west longitude. The latter arrangement recently terminated. Other sources from which revenue is derivable are: licenses issued to merchants, town commissioners, ferries, lawyers, peddlers, marriage licenses, sales of estrayed stock, royalties on coal, lead, stone, sand, and tax on railroad companies for right of way. "Permitted inhabitants" also pay a monthly license, that is, if a Cherokee citizen hires a noncitizen to work for him, he pays to the Cherokee government 50 cents a month for the privilege, or \$6 per year. A stipulated sum is also paid for the right to cut and put up hay, and the railroad companies pay for the right to make ties.

The amount collected and paid over to the national treasury during the last year by district sheriffs and clerks for different causes was nearly \$1,300; from town commissioners, from sales of town lots, a little over \$1,100; lawyers and peddlers' licenses and the royalty on sand, rock, and lead amounted to about \$60; merchants paid over \$1,400 for the privilege of trading; ferries across the different rivers paid over \$300, and the coal mines over \$100. About \$350 per year is realized in interest from a fund deposited by the Shawnee tribe when they were incorporated into the Cherokee Nation.

Nothing has been received from the right of way and tax on railroads running through the nation. The law of Congress required all railroads except the Missouri, Kansas, and Texas, and the St. Louis and San Francisco, which were allowed to run through free, to pay \$50 per mile for their right of way and \$15 per mile annually forever for the privilege of running their roads and doing business among these people. The Cherokee government protested that this amount was too small and would not receive it, but went into litigation for more. The above amounts are assured and will amount to considerable, as 4 roads are running through these lands and others soon will be. From the lease of the large body of lands in the Cherokee "Outlet" to the cattle men \$200,000 per year was realized.

The most reliable and permanent source of revenue for the nation is the amount realized for the sale of lands and invested in 5 per cent United States government bonds and held in the United States treasury. These bonds amount to \$2,625,842.37, and the interest fund amounts to \$137,469.01 yearly, which is paid over to the treasurer of the Cherokees and divided pro rata.

THE UNITED STATES COURT.—The courts of the Cherokee Nation have jurisdiction over matters of dispute between members of the tribe. This includes all who are enumerated as members of the tribe, and the intermarried whites so rank. These courts, as heretofore remarked, are modeled after those of the same grade in the different states.

Until 1888 there was no way of settling a civil case except by a decision of the United States Indian agent of The Five Tribes, when the dispute was between a member of the tribe and an outsider who was residing in the Cherokee Nation under a permit, or who came into the Cherokee Nation temporarily, or between two outsiders. The higher crimes were tried at the federal court at Fort Smith, Ark. In 1888 Congress established a court at Muscogee, and gave it jurisdiction over all matters involving \$100 and upward, but left criminal matters as they were before, thus leaving misdemeanors arising among 120,000 whites and negroes in the Indian territory unnoticed. These people had business daily with the 60,000 Indians or claimants. All disputes about money matters under the amount of \$100 were left with no place of trial. Here were nearly 200,000 people with no court in which to settle their differences. Affairs often needed to be settled speedily or they would develop disputes which would lead to higher crimes. In 1889 Congress declared that among these people the misdemeanors and several grades of felonies should be tried at the Muscogee court, and, without specifying which, it declared certain provisions of the Arkansas laws should be in force as nearly as, or when, practicable. Three commissioners were provided for in the Cherokee Nation, but the law failed to provide for the trial of causes before these commissioners, and the United States court at Muscogee held that they could only hold preliminary examinations and discharge or bind over and

not punish. In civil cases these commissioners can try all cases when the amount in controversy is under \$100, except cases of forcible entry and detainer, with the right of appeal to the United States court at Muscogee.

For a violation of the Arkansas Sunday laws, or a case of violation of the statute of that state prohibiting profane swearing, even where the fine was only \$1, one must go to Muscogee for trial before the United States court. The result was that instead of relieving that court it has precipitated over 1,700 criminal cases into it from the 3 Cherokee divisions, and it is safe to say that of these 1,700 cases, if so authorized, four-fifths could have been tried and finally settled before the commissioners, who are justices of the peace and notaries public.

PARTY ORGANIZATION.—The convention of each party appoints 3 committeemen, called "head captains", for each district. Each member of these committees has to appoint an additional member. It is the duty of this committee to ascertain the feelings of the people. How that feeling is to be ascertained rests with the committee of each district. It may be by a primary meeting or convention, or it may be by a personal canvass and inquiry. They are expected to learn the sentiments of their constituency and voice them in the national convention called for the selection of candidates for principal chief and assistant chief. They also supervise and direct the political affairs in their respective districts which result in the choosing of candidates for either house of the legislature, and are directors and guardians of the political sentiment and feelings of those under them.

At the proper time, which is a year before the time for the election of the chief and assistant chief, these delegates, 54 in number, meet at a place designated for their convention. The convention is held near a spring and away from any town or house. The conventions of both parties are held the same day and about 12 miles apart. The occasions are of great moment. Barbecues are advertised, and thousands of people, men, women, and children, with tents and blankets, come from all parts of the nation to see and to assist in choosing the candidate. Beeves and other animals are roasted and delivered free, and sometimes the meetings last 4 or 5 days.

After the candidates are nominated the interest in the campaign subsides till the next spring. The election occurs on the first Monday in August, and during the months of May, June, and July things are lively in a political way. Barbecues, public meetings, and regular campaignings, including the effective "still hunt", are fully utilized.

The voting is *viva voce*, and any male citizen 18 years old has a right to vote. The rolls of voters are preserved till the meeting of the council in November, when, in a joint convention of both houses, the vote is canvassed, the result announced, and the successful candidates are inducted into office.

LITERATURE.—The Cherokees have not preserved any great amount of legends or traditions. They have a language that is peculiarly their own, with an alphabet of 84 letters, but it is not taught by their schools, and very few of their educated men can read, write, or even talk it. The writing is simply a formation with a pen of letters similar to the printed ones.

While the Cherokees boast of many able men, and their history has much of importance and interest, Cherokee literature consists of the New Testament scriptures, a few of the psalms, and a few hymns, a primer or two, a few tracts, a few books of Cherokee laws, and one-half of the Cherokee Advocate, the national newspaper, published at Tahlequah.

Albert Gallatin, in 1836, wrote of the Cherokee alphabet and its inventor:

Sequoyah, or Guess, as he is commonly called, is a native Cherokee unacquainted with the English language. He saw books in the missionary schools and was informed that the characters represented the words of the spoken language. Not understanding how this was done, he undertook to make characters of his own for the Cherokee, and at first attempted to have a distinct one for each word. He soon saw that the number would be such as to render that plan impracticable; and discovering that although the Cherokee is eminently polysyllabic, the same syllables variously combined perpetually recurred in different words, he concluded to have a character for each syllable. This he did by listening, with a view to his object, to every discourse held in his hearing, and noting in his own way every new syllable. In a short time he produced his syllabic alphabet, consisting of only 85 characters, through which he was enabled to teach within 3 weeks every Cherokee, old or young, who desired it, how to write his own language. That alphabet has superseded ours. Several books and a newspaper called the *Phoenix*, edited by Mr. Boudinot, have been published with those characters, and the Cherokees universally use them when writing in their own tongue. When the first imperfect copy of that alphabet was received at the War Department, it appeared incredible that a language, known to be copious, should have but 85 syllables. The examination of a Cherokee spelling book, published in our characters by the missionaries, explained what seemed to be a mystery.

It was found that every Cherokee syllable ended in a vocal or nasal sound, and that there were no other double consonants but *tl* or *dl* and *ts* and combinations of *s* with 4 or 5 different consonants. The language has 12 consonants, including *h*, viz, *g* or *k*, *h*, *l*, *m*, *n*, *qu*, *d* or *t*, *dl* or *tl*, *ts*, *w*, *y*, *s*; 5 vowels, viz, *a*, *e*, *i*, *o*, *u*, and a nasal ung. It is obvious that, multiplying the number of consonants (including the *tl*) by the 6 vowels (including the nasal) and adding to the product the said 6 vowels, each of which is occasionally a syllable, you have the whole number of possible syllables in the language, those excepted which result from the combination of *s* united to another following consonant, with the 6 vowels. It would have required about 30 additional characters, if Guess, adhering to his principle, had made a new one for each such combination (*sta*, *ste*, etc.; *spa*, *spe*, etc.). He gave a strong proof of talent in discovering that he might dispense with those 30 by making for the *s* a distinct character. (*a*)

It wanted but one step more, and to have also given a distinct character to each consonant, to reduce the whole number to 16, and to have had an alphabet similar to ours. In practice, however, and as applied to his own language, the superiority of Guess's alphabet is manifest,

^a When Guess subsequently explained the process of his invention, he said that what had cost him most labor was the hissing sound. Guess's characters amount to 85, viz, 77 as above stated, less 1, the syllable *mung* not appearing in the language. Finding that occasionally *k* was pronounced *g*, *d* like *t*, and two distinct aspirations connected with *na*, he has added 8 characters representing the sounds *s*, *ka*, *kna*, *nah*, *ta*, *te*, *ti*, *tla*.

and has been fully proved by experience. You must indeed learn and remember 85 characters instead of 25; but this once accomplished the education of the pupil is completed; he can read, and he is perfect in his orthography without making it the subject of a distinct study. The boy learns in a few weeks that which occupies 2 years of the time of ours. It is that peculiarity in the vocal or nasal termination of syllables and that absence of double consonants more discernible to the ear than to the eye which were alluded to when speaking of some affinity in that respect between the Cherokee and the Iroquois languages.

It is true that the original idea of expressing sounds by characters was suggested to Guess by our books; it must be admitted that his plan would have failed if applied to perhaps any other language than the Cherokee; and it is doubtful whether, in such case, he would have ascended to the discovery of one character for each analyzed sound. But it can not be denied that this untaught Indian in what he has performed has exhibited a striking instance of the native intelligence of his race.

While there is almost no literature in the Cherokee language there is little relating to Cherokees in the English language. Any one wishing to trace the history of the Cherokee people will be compelled to go to the files of the missionary papers, to the diaries and memoranda of the missionaries and teachers who have been with them for so many years, and to the many times ill-kept official records. It is impossible to find any reliable printed history of their ablest men. The Cherokee Nation furnished thousands of men to both armies during the war of the rebellion, many of them taking an active part, and while a quarter of a century has passed since that time, nothing of consequence has been written on the subject, and much of what would have been important history has been irretrievably lost.

MISSIONS.—The zealous and unceasing efforts of the missionaries of different churches of our land have been directed to the Cherokee people for nearly a century. Other tribes and people have been looked after in a limited way, but the grand effort of civilizing and evangelizing this tribe has been special. The effort is so old and has been so continuous that men who are highly educated, wealthy, and traveled, men who have succeeded as farmers, mechanics, physicians, lawyers, teachers, politicians, or diplomats receive the assistance of the charitable and benevolent people of the world as a matter of course. We can see here a people worthy, educated, refined, living in one of the best countries, with a hundred common schools, with national seminaries for both girls and boys, and an asylum for orphans and another for the insane, with a system of republican government consisting of 3 branches, executive, legislative, and judicial, with a national prison, with parties, politics, and political machinery, receiving its spiritual nourishment from outside sources as a matter of right.

Presbyterians, Baptists, Congregationalists, Methodists, Southern Methodists, and others vie with each other in their efforts to elevate this people, who are richer than their benefactors, and as a body are as moral as the communities from which some of their missionaries come.

The first regularly organized effort at preaching the gospel and instituting schools among the Cherokees of which we have an authentic account was begun in the eastern part of Tennessee, in 1803, by the Rev. Gideon Blackburn, of Virginia, a Presbyterian, but the Rev. Gotlieb Byhan of the United Brethren began preaching among them in 1801. In addition to preaching, Mr. Blackburn introduced the carding and spinning of wool and flax and the manufacture of cloth. He labored among the Cherokees until 1810, and he left them on account of ill health. When he left several schools were in successful operation. In 1812 and 1813 agents of the Connecticut and Massachusetts missionary societies traveled through the Cherokee country from New Orleans, and their report of the condition of things added much to the zeal and enthusiasm shown in the work, and in the year 1816 the Rev. Cyrus Corning was sent by the board of foreign missions and organized a mission by authority of the Cherokee council near where Chattanooga, Tenn., now is. It was called Brainard, and began work in 1817. A school was opened by the beginning of the year 1818, and Mr. Corning was joined by the Rev. A. Hoyt, the Rev. D. Butrick, the Rev. William Chamberlain, and Messrs. Williams, Moody, and Hall. Mr. Corning was a graduate of Andover theological seminary in the class of 1815.

In 1820 the Rev. Alfred Finney, a graduate of Dartmouth college, the Rev. Cephas Washburn, and others joined the forces, and from that time a constant supply of ministers, physicians, teachers, and helpers from Vermont, New Hampshire, Massachusetts, Virginia, and other states kept pouring in to this people.

In 1827 John Huss, a native Cherokee, joined in the work of teaching, and in 1833 he was regularly ordained as a minister. Stephen Foreman, another of the effective workers, was educated at the mission schools and labored during a long life in the cause. Catherine Brown, a native girl, began attendance at the Brainard school in 1818 and, after a term, becoming qualified, began teaching. She died in 1823 of consumption. In 1828 the Cherokee Phoenix was established at New Electa, Tenn., with Elias Boudinot as editor. At the close of the year 1828 Brainard mission had 7 stations, 174 pupils in the schools, and 159 members of the church. The first hymn was translated into Cherokee in 1829, English characters being used to spell the sound of the Cherokee words. Sequoyah's alphabet was used the following year, 1830, for the publication of 33 hymns and a translation of the gospel of Matthew, 1,000 copies of the volume being printed and circulated. At the close of 1829 there were 180 pupils in the 7 schools and 192 members of the churches. In March, 1830, the mission building at Brainard, with all its furniture, was destroyed by fire. This loss and the question of removal to the west of the Mississippi retarded the mission work very seriously. A law was passed by the legislature of Georgia about this time making

it a penal offense, punishable by from 4 to 6 years' confinement at hard labor in the penitentiary, for a white man to live in that part of the Cherokee country claimed by the state of Georgia unless he had a permit from the governor of that state and had taken oath to support the jurisdiction of the state of Georgia over that territory. This oath the missionaries would not take. Four of the missionary stations and schools were located in Georgia, and many of the missionaries were arrested and subjected to abuses and indignities by the authorities of the state of Georgia, and at least two of them, the Rev. S. A. Worcester and Dr. Butler, were sentenced to a 4 years' term in the penitentiary, and served 1 year and 5 months of the time before they were pardoned out by the governor. The Supreme Court of the United States, to which they appealed, through Chief Justice Marshall, declared the Georgia law unconstitutional, and ordered their release, but the Georgia authorities refused to obey the mandate of the Supreme Court. The decision of the court was rendered on March 3, 1832, but they were held until January 14, 1833, more than 10 months afterward.

The negotiations and arrangements for the removal of the Cherokees to the west of the Mississippi river, which occupied the years from 1835 to 1838, disturbed the missionary work and retarded it seriously. All the churches and schools were broken up and the members separated and scattered. The bitterness engendered by the forced removal of these people from their homes demoralized them, and in many cases undid the work of years of education and reformation.

Missions had been founded among the western Cherokees in Arkansas in 1820 by the Rev. Alfred Finney and the Rev. Cephas Washburn, the first, called Dwight, about 100 miles below Fort Smith, near the Arkansas river. Another followed near Fort Gibson, called the Union mission, and still another called Harmony, not many miles northwest of the northwest corner of the state of Arkansas. The mission school opened at Dwight on January 1, 1822.

War with the Osages and the arrival of other parties of Cherokees from east of the Mississippi river kept the western Cherokees in a state of uneasiness that militated against the progress of the mission work, both in educating and evangelizing, though much more interest was taken in schools, and encouragement was given to them rather than to churches. In 1828 the treaty was made which necessitated a removal still farther west. This again unsettled and demoralized the work and discouraged the missionaries and their assistants, but another mission was organized and work begun on Salisan creek, about 35 miles northeast of Fort Smith. The new location, called New Dwight, was opened in 1829. While the schools were moderately prosperous and successful, and the people showed much interest in education, the religious interest still languished. There was not much progress made in this work after this. The events of the enforced removal of the Cherokee people kept up the excitement and distraction of mind until within a few years of the breaking out of the war, when the agitation of the slavery question was added to the other causes of want of success, and in 1860 the American Board of Commissioners of Foreign Missions relinquished the work and abandoned the field. During the war and for some time after the Cherokee people were divided by contending factions, but with the formation of the Downing party in 1866 quiet was in a great measure restored, and the work was resumed under the care of the board of home missions.

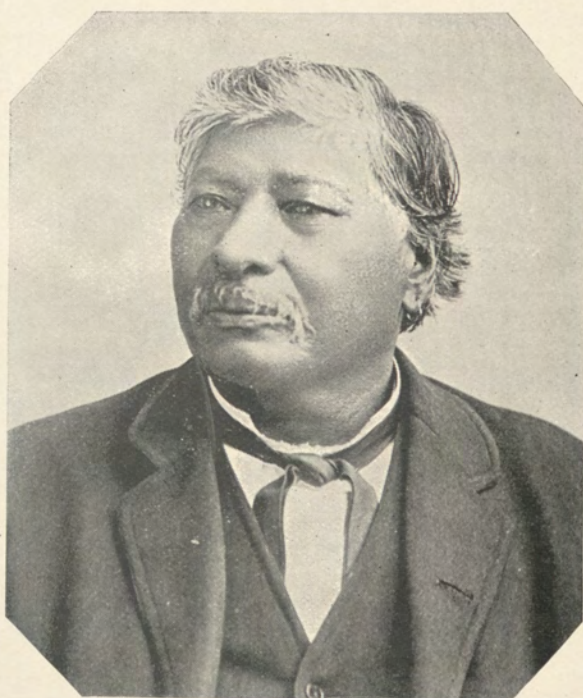
The results of the work of education and evangelization among this people are that the Cherokees are on an average equal to other people of the United States as to education and religion.

POLITICS.—The political issues in the Cherokee Nation are not so much principles as persons. John Ross was chief for a total period of 40 years before and after crossing the Mississippi river and before and after the union of the eastern and western Cherokees into the present nation. His administration was imperial and autocratic rather than republican or representative. He led the remaining Cherokees from the east to the west of the Mississippi. About a third of the nation had already gone over and were under the chieftaincy of John Jolly, when John Ross was elected chief of the united Cherokees and ruled uninterruptedly till the breaking out of the civil war. When that happened Ross proclaimed neutrality. This lasted till August, when a convention was called and war was declared on the United States and the fortunes of the Cherokee Nation were cast with the Southern Confederacy.

Early in 1863 the treaty with the Confederacy was set aside, and slavery which had existed in the nation was abolished. Soon after this nearly all the Cherokees in the Confederate army deserted, many of them joining the Union forces and fighting until the end of the war. After the war the line between those who fought for the Confederacy and those who fought for the perpetuity of the Union was kept up and cultivated. In 1867 Lewis Downing, who served in the Union army as a lieutenant colonel of a Cherokee regiment, became a candidate for principal chief on the platform of peace between the factions and a recognition of that portion of the population that had been in the Southern Confederacy. Downing was elected over W. P. Ross and served one term, was re-elected, but died after a year's service. The senate elected W. P. Ross chief, and he served 3 years. He was succeeded by Charles Thompson, who served one term of 4 years. D. W. Bushyhead, an anti-Downing man, was elected chief in 1879, and succeeded himself, serving until 1887, when the Downing party succeeded in electing their candidate, Joel B. Mayes, though the opposition had majorities in both houses of the legislature.



Joel B. Mayes, principal chief, Cherokee Nation.



John Jumper, Seminole.

Miss Ross, half-blood Cherokee.

There is no visible line of policy on which the Cherokees are divided. It appears to be only a question of personal popularity of the candidates and the local effects of individual acts of the administration. Neither party advocates the allotment of lands in severalty nor the abandonment of tribal arrangements. Partisanship becomes very stormy and excitement becomes very high.

There is a very strong undercurrent of feeling in favor of allotment of the lands, each person holding his land in severalty, but the outspoken advocacy of such a proposition is confined to a very few, and they are very young and educated, or have been away from home, or are not full bloods.

PRESENT CONDITIONS.—It is a question how far the solicitude of the government for their physical comfort, assisted by the American foreign and home missionary societies for their spiritual safety, has tended to teach the Cherokees, either as a nation or as individuals, self-reliance and independence. There are many men and women among them who are cultured and refined, but their life and condition, location and surroundings, have not been conducive to the best development.

Their present condition is a language without a literature; a government with no authority; a code of laws with no force; millions of acres of land and not a foot of it that any man can call his own.

The effect of the mission work among this people is evident, for they are pre-eminently a religious people. They are generally Protestants. Presbyterians, Baptists, Methodists, and Moravians have been with them from the time before their removal west. The most enterprising citizen of the Cherokee Nation considers it as quite the thing for the whites to furnish him his spiritual sustenance.

There are among the present Cherokees none of the traditions, legends, and wild, weird, poetical lore that marks the J. Fenimore Cooper romances and the poetry of Longfellow. Their unwritten history furnishes instances of heroism, invention, endurance, treachery, assassination, murder, learning, patriotism, diplomacy, and political leadership, but literature is lacking. Sequoyah invented an alphabet and constructed a language, but no Cherokee has utilized it except to translate a part of the holy scriptures, a few hymns and songs, the imperfect laws of the nation, and part of one weekly newspaper. Sequoyah, who invented the alphabet and constructed their language, signed his English name, George Guess, thus: "X".

The Cherokees are less than one-fourth full blood Indians. Their marriage with the agents, missionaries, and others in earlier times has been imitated by the Cherokees of a later day, and now the only way to discover the presence of Cherokee blood in many of them is to ask them. Whether this mixing of blood has been to the physical advantage of either of the races is a question that will bear further investigation.

The average Cherokee is not in affluent circumstances. It is true that there is a large number of wealthy men among them, who have fenced large bodies of the best land and farmed and raised stock quite successfully. Others, under the privileges of a tenancy in common, have removed the best of the timber and sold it for their private benefit. The larger number of the Cherokee people are in only moderate circumstances, while many of them are living in very primitive conditions. The system of per capita payments at irregular times is not encouraging to habits of industry, frugality, or foresight. The idea that seems to pervade all their minds, that they are "wards" of the governments, both their own and the United States, and that they will be taken care of in some way or other, is productive of much want and suffering.

The dwellings of the Cherokees are made like those of the whites, and are of almost all sizes, shapes, grades, and materials. There are no wigwams and no habitations of poles covered with skins. The dwellings of the few wealthy Indians are like those of the wealthy whites, either of brick, stone, or wood, while those of the poor Indians are like those of the poor whites. Their farming is primitive and in a small way. The Cherokees have been civilized so long that they are not Indians except in name, blood, and their treatment by the United States government.

BIOGRAPHICAL—JOHN ROSS.—John Ross was born October 3, 1790, near Lookout mountain, Tennessee. His father, Daniel Ross, was a Scotchman, and his mother a part-blood Cherokee. He had 2 brothers and 6 sisters and was educated at Kingston, Tenn. His public career began when he was 19 years old, when he was sent by the Cherokee agent on a mission to the western Cherokees, then occupying territory now included in the boundaries of the state of Arkansas. He served during the war of 1812 as adjutant of a Cherokee regiment under General Andrew Jackson in the war against the hostile Creeks in Florida. In 1817 he became a member of the national committee of the council of the Cherokee people. Two years later, at the age of 30 years, he was president of the committee, in which capacity he served until 1826. In 1827 he was associate chief of the nation, with William Hicks as principal chief, and was president of the convention of that year that framed the first national constitution. In 1828 he became principal chief of the Eastern Cherokees, and when, in 1838, they removed to the west, he became principal chief of the united tribe. He held that office until his death, which occurred in Washington on August 1, 1866. In 1813 he was married to Elizabeth, whose surname is unknown, a full-blood Cherokee woman. With her he lived 26 years and she bore him five children, 4 boys and 1 girl. She died February 1, 1839, during the removal of the nation to the west of the Mississippi river, and was buried en route at Little Rock, Ark., where

her remains still rest. He was married again in 1845 to Miss Stapler, a Quaker girl of Wilmington, Del., the marriage taking place in the city of Philadelphia, the bride being 19 years of age, while the groom was 55. This union continued for 20 years, Mrs. Ross dying in 1865.

CHIEF MAYES.—Joel B. Mayes (died December, 1890), at the time of the census the principal chief of the Cherokee Nation, was born in the old Cherokee Nation in what is now Bartow county, Georgia, October 2, 1833. His father was Samuel Mayes, a white man. His mother was a Cherokee of mixed blood, a daughter of Wat Adair, whose mother was a full-blood Indian. Chief Mayes removed from the old Cherokee Nation in 1837, when he was between 3 and 4 years of age. He was educated in the common schools of the nation and graduated at the male seminary in 1856. His father farmed in the mountainous part of the country in the eastern part of the nation, and on his father's farm Joel was raised and became a practical farmer. He taught school several years, and at the breaking out of the rebellion enlisted as a private in Bryant's battalion, an Arkansas organization. He was soon promoted to the rank of major and held the positions of quartermaster and paymaster in the first Indian brigade of the Confederate army, and remained in the service till the close of the war in 1865. After the war he located on a farm on Grand river, and as a farmer, fruit grower, and stock raiser was very successful. Soon after the war, 1868, he was appointed clerk of the district and circuit courts of Cooweescoowee district, and after serving one term in that capacity, in 1870 he was elected judge of the northern circuit, composed of the districts of Cooweescoowee, Delaware, Saline, and Tahlequah, in which position he served 5 years. After his term as circuit judge expired he was appointed and served 2 years as secretary of the commission on citizenship, and then was elected clerk of the national council. While serving as clerk of the national council he was elected associate justice of the supreme court, where he served 1 year. In 1885 he was elected by a joint session of the national council chief justice of the Cherokee Nation, where he served 2 years. In August, 1887, he was the candidate of the Downing party for principal chief and was elected, taking the office in the month of November, and succeeding Chief D. W. Bushyhead.

In the year 1857, the year after his graduation from the male seminary, he was united in marriage to Miss Martha Candy, who had graduated in 1856 from the female seminary, and who lived only 3 years. In 1863, during the war, Mr. Mayes was married to Miss Martha McNair, another member of the class of 1856. This union was of the same brief duration as the first, only lasting 3 years, when Mrs. Mayes died. In 1873 he married Miss Mary Varn, who was also a graduate of 1856, and who is still living. Chief Mayes left no children, though his first wife bore him 1 child and his second wife 2 children.

THE TREATY OF 1866.

The treaty of 1866 with the Cherokees has been a serious matter of contention among them.

That treaty, like the treaty of 1846, was a compromise to settle serious divisions among the Cherokees. The Cherokees in 1861 were slaveholders, and were induced to join the Southern Confederacy in the war of the rebellion. The treaty was negotiated between the Cherokees and the Southern Confederacy on the 7th of October, 1861. Under this treaty 3 regiments of soldiers, numbering about 3,000 men, were raised, who participated in the military operations of the south until after the battle at Pea Ridge. After that battle 1 regiment went almost wholly over to the Union army. Over 2,000 Cherokees, men, women, and children, without food, clothing, or shelter, claimed protection within the Union lines, and were taken charge of by the military authorities of the United States.

At the special session of the Cherokee council in 1863 John Ross was continued principal chief, the treaty of October 7, 1861, with the Confederate states was abrogated, a delegation consisting of Chief Ross and others was appointed to represent the Cherokee Nation before the United States authorities, a law was passed deposing all officers disloyal to the government and confiscating all property and improvements of the rebel Cherokees, and provision was made for abolishing slavery in the Cherokee Nation. Although a force of United States troops was sent to assist in protecting the reorganized Cherokee government, the country was overrun by scouting parties and guerrillas, causing great destruction and waste.

The Cherokees were divided into 2 parties by the course of events, and the United States found it difficult to adjust its treaties to the satisfaction of both and to secure the rights of all concerned.

In the endeavor to make treaties the United States at first found a difficulty in framing a treaty with the loyal party owing to the land in interest. A treaty was made, however, with the southern party on June 13, 1866, but it was retained by the President of the United States until a treaty was secured with the loyal Cherokees on the 19th of July, 1866. The latter treaty was officially confirmed, and it has been the basis of dispute as to citizenship and the distribution of funds largely growing out of the division in the nation during the war of the rebellion.

ALLOTMENT OF LANDS.

The intelligent, active, and thrifty have opened large farms on a southern plantation style, the only thing "in common" between them and others of the population being the title to the land, and of this the big farmer has had

the sole benefit, often holding thousands of acres of the choicest lands, while his cotenants worked at moderate wages or existed in cabins on little patches of land in the hills too thriftless to contend in the race of life with more energetic neighbors.

Others have fenced several tracts and leased them to different tenants, holding the reversionary interest in these farms, expecting the present status of things to break up, and hoping in the readjustment of affairs to profit thereby.

Many citizens of the states have gone into the Cherokee Nation, married Cherokee women, and by the rights thus obtained have proceeded to despoil the forests and to accumulate possession of lands.

The allotment of lands in severalty would necessitate a survey, which might encourage the building or opening of roads and the construction of bridges. The survey should be made to correspond with the surveys of lands in the adjoining states, and after each head of a family has been allotted his piece of land the remainder should be placed in charge of a commissioner or agent, for sale at an appraised value, on long time at a low rate of interest after 1 payment has been made, as the school lands in the different states have been sold. The proceeds of these sales could go into the school fund, poor fund, internal improvement fund, or into a fund for any meritorious and approved purpose.

This should be followed by a prohibition or abolition of per capita payments, and inducements should be offered or influences set to work to have the Cherokees become American citizens.

The "intruder" question could be settled by allowing this class of population to buy lands as other applicants, and the Cherokee territorial authorities should be authorized to enforce an action for trespass or for ejectment of those unlawfully occupying the lands of the Cherokees.

Some proper tribunal ought to be required to act conclusively on the question of that large body of American citizens who are trying to establish their claims to the additional distinction of being possessors of Cherokee blood. There ought to be a way to settle the "claimant" question.

DELAWARE INDIANS, CHEROKEE NATION.

BY THOMAS DONALDSON, SPECIAL AGENT.

The Delaware Indians residing in the Cherokee Nation, as a part of it, numbered in the census of 1890, 754. The Delawares at Kiowa, Comanche, and Wichita agency, Oklahoma, numbered 95. This band left the main body in 1866 on their removal from Kansas and joined the Kiowas and Comanches, with whom they now are.

The Delawares in the Cherokee Nation removed from Kansas in 1866-1867, having sold their lands in that state to the Union Pacific Railroad Company. They bought their present land holdings from the Cherokees, consolidated with them, and became in fact a part of the Cherokees. They reside in a compact body by themselves in 2 districts, known as Cooweescoowee and Delaware districts. They are civilized and all wear citizens' dress. They are thrifty, wealthy farmers, industrious and law abiding. Much of the material herein relating to them was furnished by R. C. Adams, a Delaware Indian residing at Alluwe, Cherokee Nation, Indian territory.

The Delawares are the traders and business men of the North American Indians. The census of 1890 showed that some of them were in almost all of the western tribes, and that all of them were men of shrewdness and ability.

Mr. R. C. Adams, in response to an inquiry from the special agent, answered:

We have quite a number of full-blood Delawares in the Cherokee Nation, about 175; of these 95 do not speak English. There are not more than 15 or 20 families who do not speak the Delaware language as well as the English. The Delawares here are increasing in number. Many are very old, some 90, 95, and probably 100 years of age. Among the old Delawares are Charles Journeycake and William Adams, Alluwe; Charles Armstrong, Codys Bluff; Mrs. James Armor, Claremore; George Scarcoxie, Captain Curlyhead, Andrew Miller, Colonel Jackson, and Ice Wilson, of Bartlesville.

DELAWARE LAWS.—The Delawares in the Cherokee Nation, while now part of the Cherokee, preserve their autonomy and are largely governed by their own tribal laws and traditions. The Delaware Nation of Indians, at their reservation in Kansas in 1862, adopted a series of laws which control them in many details. The criminal portion and some other details are now superseded by the Cherokee laws. This code of laws, written by a Delaware, was administered by the chiefs and councilors. Under it they had a national organization, with a clerk, sheriff, treasurer, and jailer. It is given in full. Article 8 illustrates the idea of descent in the female line.

LAWS OF THE DELAWARE NATION OF INDIANS.

The chiefs and counsellors of the Delaware tribe of Indians, convened at their council house, on the reservation of said tribe, the eighteenth day of December, A. D. 1862, do hereby adopt the following laws, to be amended as they think proper:

ARTICLE I.

1. A national jail shall be built on the public grounds upon which the council house is now situated.

2. Any person who shall steal any horse, mule, ass, or cattle of any kind, shall be punished as follows: for the first offence the property of the offender shall be sold by the sheriff to pay the owner of the animal stolen the price of said animal and all costs he may sustain in consequence of such theft. But if the offender has no property, or if his property be insufficient to pay for the animal stolen, so much of his annuity shall be retained as may be necessary to pay the owner of said animal as above directed, and no relative of said offender shall be permitted to assist him in paying the penalties of said theft.

For the second offence the thief shall be sent to jail for thirty-five days, and shall pay all costs and damages the owner may sustain on account of said theft.

For the third offence the thief shall be confined in jail three months, and shall pay all costs and damages as above provided.

3. If any person shall steal a horse beyond the limits of the reserve and bring it within the limits thereof, it shall be lawful for the owner to pursue and reclaim the same upon presenting satisfactory proof of ownership, and, if necessary, receive the assistance of the officers of the Delaware Nation. And it is further provided that such officials as may from time to time be clothed with power by the United States agent may pursue such offender either within or without the limits of the reserve.

4. Whoever shall ride any horse without the consent of the owner thereof shall for the first offence pay the sum of ten dollars for each day and night that he may keep such animal, and for the second offence shall be confined in jail for the term of twenty-one days, besides paying a fine of ten dollars.

5. Whoever shall reclaim and return any such animal to the rightful owner, other than the wrongdoer, as in the last section mentioned, shall receive therefor the sum of two and fifty hundredths dollars.

6. In all cases of theft the person or persons convicted of such theft shall be adjudged to pay all costs and damages resulting therefrom, and in case of the final loss of any animal stolen, then the offender shall pay the price thereof in addition to the costs and damages as provided in a previous section.

7. Whoever shall steal any swine or sheep shall for the first offence be fined the sum of fifteen dollars; ten dollars of which shall be paid to the owner of the sheep or swine taken, and five dollars to the witness of the theft.



See Field Expedition & Printing Co.

DELAWARE INDIAN RELICS. DELAWARES' IN THE "CHEROKEE NATION," 1891.

1. The Belt of Wampum delivered by the Delaware Indians unto William Penn at the Great Treaty under the Elm Tree at Shackamaxon in 1682. "Not Sworn to and never broken."
2. A stone hammer for cutting wood.
3. Buckskin hunting pouch.
4. Silver Tomahawk presented to Tom Hill by T. P. Reading.
5. Peace Pipe from the Red Pipe stone quarry, Minnesota.
6. Stone Paddle for paddling can.
7. Paw Moccasins.

For the second offence the thief shall, in addition to the above penalty, be confined in jail for twenty-eight days.

And for the third offence, the thief shall be confined four weeks in jail, and then receive a trial and bear such punishment as may be adjudged upon such trial.

8. Whoever shall steal a fowl of any description, shall for the first offence pay to the owner of such animal the sum of five dollars.

For the second offence, in addition to the above penalty, the thief shall be confined in jail for twenty-one days.

The witness by whom such theft shall be proven, shall be entitled to receive such reasonable compensation as may be allowed to him, to be paid by the offender.

9. A lawful fence shall be eight rails high, well staked and ridered. If any animal shall break through or over a lawful fence, as above defined, and do any damage, the owner of the enclosure shall give notice thereof to the owner of such animal, without injury to the animal. The owner of such animal shall therefore take care of the same and prevent his doing damage; but should he neglect or refuse so to do, the animal itself shall be sold to pay for the damages it may have done.

But if the premises be not inclosed by a lawful fence as above defined, the owner of the enclosure shall receive no damages; but should he injure any animal getting into such enclosure, shall pay for any damage he may do such animal.

10. Every owner of stock shall have his or her brand or mark put on such stock, and a description of the brand or mark of every person in the tribe shall be recorded by the national clerk.

ARTICLE II.

1. Whoever shall maliciously set fire to a house shall, for the first offence, pay to the owner of such house all damages which he may sustain in consequence of such fire; and, in addition thereto, for the second offence, shall be confined in jail for the term of twenty-one days.

2. Should human life be sacrificed in consequence of any such fire, the person setting fire as aforesaid shall suffer death by hanging.

3. It shall be unlawful for any person to set on fire any woods or prairie, except for the purpose of protecting property, and then only at such times as shall permit the person so setting the fire to extinguish the same.

4. Whoever shall violate the provisions of the last preceding section, shall, for the first offence, be fined the sum of five dollars, and pay the full value of all property thereby destroyed; for the second offence, in addition to the penalty above described, the offender shall be confined in the jail for the term of thirty-five days, and, for the third offence, the same punishment, except that the confinement in jail shall be for the period of three months.

5. Any person living outside of the reserve cutting hay upon the land of one living on the reserve shall pay to the owner of such land the sum of one dollar per acre, or one-half of the hay so cut.

6. No person shall sell any wood on the reserve, except said wood be first cut and corded.

ARTICLE III.

1. Whoever shall find any lost article shall forthwith return the same to the owner if he can be found, under the penalty imposed for stealing such article for a neglect of such duty.

2. Whoever shall take any article of property without permission of its owner, shall pay the price of the article so taken and receive such punishment as the judge, in his discretion, may impose.

ARTICLE IV.

1. Whoever shall take up any animal on the reserve as a stray, shall, within one week, have the description of such animal recorded in the stray book kept by the council.

2. If the owner of said stray shall claim the same within one year from the day on which its description was recorded, he shall be entitled to take it after duly proving his property, and paying at the rate of five dollars per month for the keeping of such animal.

3. The title to any stray duly recorded, and not claimed within one year from the date of such record, shall rest absolutely in the person taking up and recording the same.

4. Whoever shall take up a stray, and refuse or neglect to record a description of the same as provided in section one of this article, shall be deemed to have stolen such animal, if the same be found in his possession, and shall suffer the penalties inflicted for stealing like animals. The stray shall also be taken from him and remain at the disposal of the council, and a description of the same shall be recorded in the stray book.

ARTICLE V.

1. If a person commit murder in the first degree, he shall, upon conviction, suffer the penalty of death. But if the evidence against him shall be insufficient or if the killing be done in self-defence, the person doing the killing shall be released.

2. Whoever shall, by violence, do bodily harm to the person of another, shall be arrested and suffer such punishment as may on trial be adjudged against him, and should death result from such bodily harm done to the person of another, the offender shall be arrested and suffer such punishment as may be adjudged against him.

3. Whoever shall wilfully slander an innocent party shall be punished for such slander at the discretion of the judge.

4. Whoever being intoxicated or under the influence of liquor shall display at the house of another, in a dangerous or threatening manner, any deadly weapons, and refuse to desist therefrom, being commanded so to do and put up such weapons, either by the owner of the house or by any other person, shall, for the first offence, be fined the sum of five dollars and pay all damages which may accrue; for the second offence, shall be confined in jail for thirty-five days, be fined twenty dollars, and pay all damages as aforesaid.

5. Officers shall be appointed to appraise all damages occurring under the last preceding section, who shall hear all the evidence and render judgment according to the law and the evidence.

6. Whoever shall, being under the influence of liquor, attend public worship, or any other public meeting, shall first be commanded peaceably to depart, and if he refuse, it shall be the duty of the sheriff to arrest and confine such person until he become sober, and the offender shall pay a fine of five dollars.

7. It shall be the duty of the sheriff to attend all meetings for public worship.

8. No member of the Delaware Nation shall be held liable for any debts contracted in the purchase of intoxicating liquors.

9. The United States agent and the chiefs shall have power to grant license to bring merchandise to the National Payment for sale, to so many traders as they may think proper for the interest of the nation.

10. It shall be unlawful for any person to bring any kind of drinks, except coffee, on or near the payment ground; and any person who shall offend against this section shall forfeit his drinkables and his right to remain on the payment ground.

STATISTICS OF INDIANS.

11. It shall be unlawful for any person to bring within the reserve more than one pint of spirituous liquors at any one time. For the first offence against this section the offender shall forfeit his liquors and pay a fine of five dollars; for the second offence, he shall forfeit his liquors and pay a fine of ten dollars; and for the third offence, he shall forfeit his liquors and be fined the sum of twenty-five dollars.

12. Any person who shall find another in possession of more than one pint of liquor at one time upon the reserve may lawfully spill and destroy the same, and shall use such force as may be necessary for that purpose. Should the owner resist and endeavor to commit bodily harm upon the person engaged in spilling or destroying said liquor, he shall be taken into custody by the sheriff, and be punished as an offender against the law.

13. The sheriff may lawfully compel any man, or any number of men, ministers of the gospel excepted, to assist in capturing any person who shall violate these laws.

14. Whoever shall offer resistance to any capture or arrest for violating any of the provisions of these laws, shall be punished not only for the original offence for which he was arrested, but also for resisting an officer.

ARTICLE VI.

1. All business affecting the general interest of the nation shall be transacted by the council in regular session.

2. All personal acts of chiefs, counsellors, or private individuals, in such matters as affect the general interest of the nation, shall be considered null and void.

3. Whoever shall violate the last preceding section, by undertaking in private capacity and manner to transact business, shall be imprisoned in the national jail for a period of not less than six months nor more than one year, and shall forfeit his place in office or position in the nation, which place or position shall be filled by the appointment of other suitable persons.

4. Counsellors shall be appointed who shall take an oath faithfully to perform their duties to the nation, and for neglect of such duty others shall be appointed to fill their places.

5. Should a counsellor go on a journey, so that it is impossible for him to attend to meetings of the council regularly, he may appoint a substitute who shall act for him in his absence.

6. Certain days shall be set apart for council and court days.

7. The chiefs and counsellors shall appoint three sheriffs, at a salary of one hundred and fifty dollars per annum each; one clerk, at one hundred dollars per annum, and one jailer, at a salary of one hundred dollars per annum, whose salaries shall be due and payable half-yearly, and in case either of the above officers shall neglect or refuse to perform any of the duties of his office he shall forfeit his salary, and his office shall be declared vacant and another shall be appointed to fill the office.

8. The chiefs and counsellors shall semiannually, in April and October, make an appropriation for national expenses, which appropriation shall be taken from the trust fund, or any other due the Delawares, and paid into the treasury.

9. There shall be a treasurer appointed annually on the first day of April, whose duty it shall be to receive and disburse all moneys to be used for national purposes, but the treasurer shall pay out money only on the order of the chiefs and counsellors, and for his services he shall be paid five per cent on the amount disbursed.

ARTICLE VII.

1. It shall be lawful for any person before his or her death to make a will and thereby dispose of his or her property as he or she may desire.

2. If a man die leaving no will to show the disposal of his property, and leave a widow and children, one-fourth of his property shall be set aside for the payment of his debts. Should the property so set aside be insufficient to pay all his debts in full, it shall be divided away among his creditors pro rata, which pro rata payment shall be received by his creditors in full satisfaction of all claims and demands whatever.

3. If the property so set apart for the payment of debt is more than sufficient to pay all debts, the remainder shall be equally divided among the children.

4. The widow shall be entitled to one-third of the property not set aside for the payment of debts, and the remainder shall be equally divided among the children.

5. If a man die leaving no widow and children his debts shall first be paid out of the proceeds of his personal property, and the remainder, if any, with the real estate, shall be given to the nearest relative.

6. Whoever shall take or receive any portion of the property belonging to the widows and orphans shall be punished as if he had stolen the property.

7. The council shall appoint guardians for orphan children when they deem it expedient so to do.

ARTICLE VIII.

1. If a white man marry a member of the nation, and accumulate property by such marriage, said property shall belong to his wife and children, nor shall he be allowed to remove any portion of such property beyond the limit of the reserve.

2. Should such white man die in the nation, having no children, all his property shall belong to his wife after paying his debts.

3. Should such white man lose his wife and have no children, one-half of the personal property shall belong to him, and the other half shall belong to his wife's nearest relatives.

4. Should such white man be expelled from the reserve, and the wife choose to follow her husband, she shall forfeit all her right and interest in the reserve.

ARTICLE IX.

1. No member of the nation shall lease any grounds to persons not members of the nation.

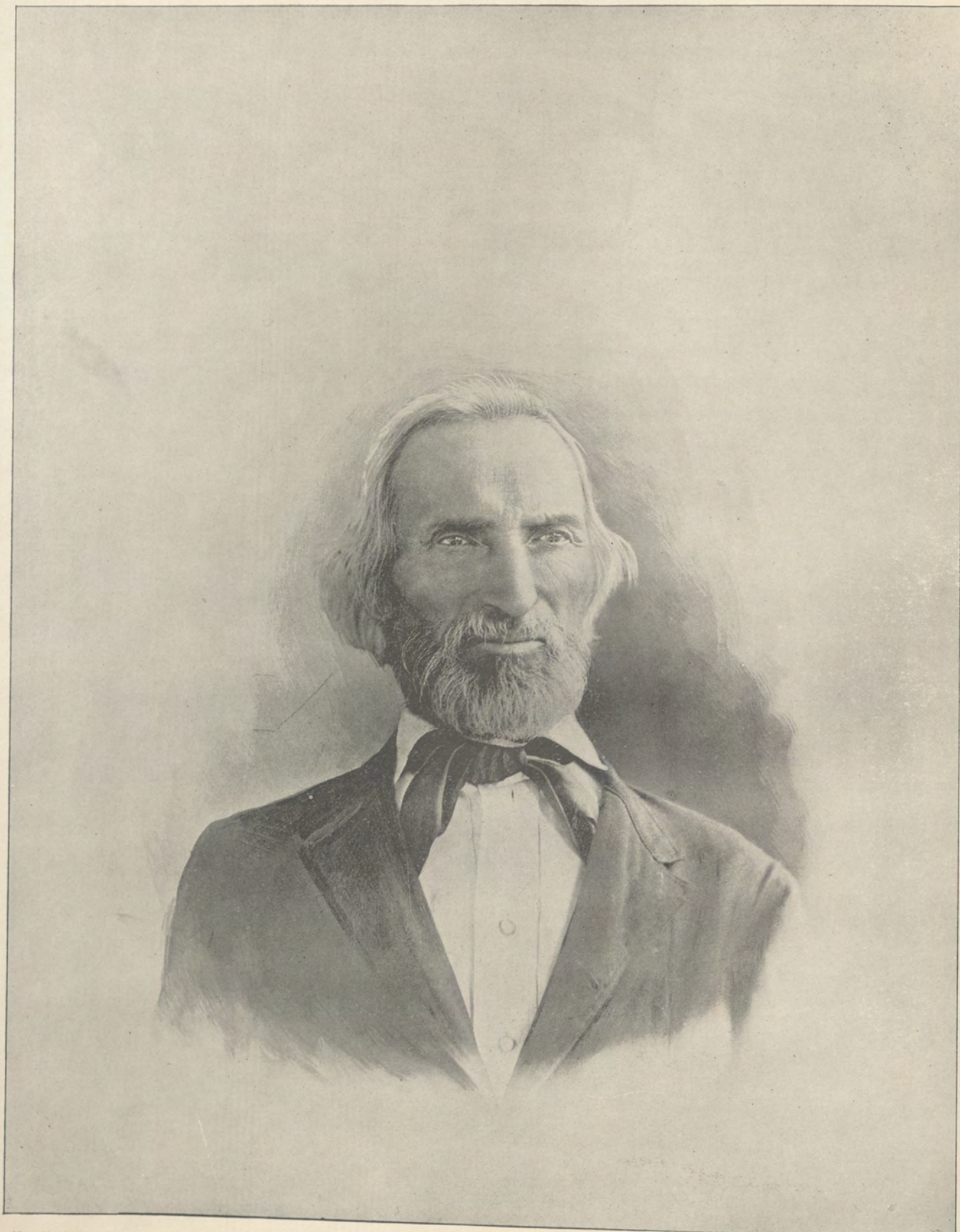
2. Should a white man seek employment of any member of the nation he shall first give his name to the United States agent, and furnish him with a certificate of good moral character, and also a statement of the time for which he is employed, and the name of his employer.

3. The employer shall pay all hired help according to the agreement. Any person or persons violating any of the provisions of these laws on the reserve shall be punished as therein provided.

4. All white men on the reserve disregarding these laws shall also be expelled from the reserve.

ARTICLE X.

1. Whoever shall forcibly compel any woman to commit adultery, or who shall commit rape upon a woman, shall for the first offence be



New York Engraving & Printing Co.

Rev. Charles Journeycake, Chief of the Delawares, Cherokee Nation, 1890.



Residence of Charles Journeycake, Chief of the Delaware Indians, Cherokee Nation, 1890.



fined the sum of fifty dollars and be imprisoned in jail for thirty-five days; for the second offence he shall be fined one hundred dollars and be confined three months in the national jail, and for the third offence he shall be punished as the court shall see proper.

HISTORY.—The following history of the Delaware Indians is written by Mr. R. C. Adams, a Delaware, of Alluwe, Indian territory:

We have no books that I know of that give any history of our people, and my only way of gaining information is from what I can learn by manuscript or diaries kept by our old people, and which are written in our own language.

The Delawares are the remains of a bold, daring, and numerous tribe, formerly of the states of Pennsylvania, Delaware, and New Jersey. When there they numbered more than 50,000 people. They called themselves Lenni Lenape, meaning true men. They began selling their lands to the Dutch as early as 1616, and to the Swedes in 1638, and to William Penn in 1682. The treaty they made with William Penn is known as the great treaty under the elm tree at Schackamaxon, which was never sworn to and never broken. From there (Pennsylvania, Delaware, and New Jersey) they moved up the Susquehanna river and over the Alleghanies, down the Monongahela to Wheeling. Then by treaty in 1789 lands were reserved to them between the Miami and Cuyahoga rivers, and on the Muskingum, Kiboga (Cuyahoga), and Upper Sandusky rivers in Ohio.

It is more than likely that the Delawares have been one of the fiercest and most warlike tribes on the American continent. When they were on the Susquehanna the Catalpa Indians overcame the Shawanees in Virginia and drove them north across the Potomac to the Delawares, where they [the Shawanees] procured the assistance of the Delawares and killed and massacred most all the Catalpas. While they were in Ohio they would go south on hunting expeditions as far as the Cherokees' hunting grounds. The Cherokees, to avenge themselves, made war against the Delawares, which lasted more than a year and resulted in a victory for the Delawares, after which the Cherokees granted them free access to a greater portion of their hunting grounds. March 8, 1772, Colonel Crawford, with a body of soldiers marched to Conondieheyon, Tuscona county (Tuscaroras), Ohio, where there was a Moravian mission, in which there were about 100 Christian Delawares and Munsie Indians, surrounded them and drove them into a church, set fire to it, and burned and massacred all except one boy about 12 or 13 years old, who, in trying to crawl past a sentinel, was discovered, knocked in the head, and scalped and left for dead, but he recovered before day and made his escape to the Upper Sandusky, where he met some Delaware hunters, and one of them killed a black squirrel and put the skin on his head while it was yet warm; it grew there and he lived to be an old man. He joined Indians the following year in the massacre of Colonel Crawford, when he attempted to make another raid on the Delawares. Colonel Crawford, in 1773, was met at Upper Sandusky by a large body of braves and warriors, who in a short time killed, captured, and routed most all his men. Among those who escaped were Colonel Crawford and 7 men. They were followed by our braves, who overtook them before day and brought all of them back prisoners. They were killed one by one and tortured to death till none were left save a doctor and Colonel Crawford. A vote was cast as to what should be done with them. It was decided to spare the doctor and burn Colonel Crawford at a stake, the chief, Wingeond, telling him meanwhile that it was the will of God that he should suffer as he had caused 100 Christian Indians to do. Delawares went from Ohio to Indiana, and, in 1812, joined the Shawanees in the battle of Tippecanoe. In 1818 the Delawares ceded all their lands to the government and removed to Missouri, near the head waters of the Merrimac and White rivers, near the present Springfield. While there they joined the Tehe band of Cherokee Indians and overcame the Osages, who were on the western boundaries of Arkansas and Indian territory. In 1829 they sold their lands and made a treaty for lands in what is now Kansas, but some of the tribe did not want to go there, saying that the two rivers (Kansas and Missouri) came together near their new lands, looking too much like a white man's trousers, and there was a division in the tribe, and part of them went to Indian territory and settled with the Kiowas and Wichitas, where they now are. The Delawares have been moved from time to time and planted in the midst of new enemies. Their first occupation has always been to take up weapons in self-defense and fight for their new homes which they have bought. When they got to Kansas they had trouble with the Pawanese, Comanches, Sioux, and other tribes. They lost many people by sickness brought on by change of climate, and in the wars, contending honorably and bravely for the grounds they had passed over, fighting both the frontier settlers and other Indians who claimed the lands and in whose midst they had been thrust by the United States. So, at last, a large and powerful nation was reduced to about 1,000 when they removed to Kansas. Their war with the Pawanese and Sioux began in 1835 and lasted till 1837. They were led in most of their battles by a Delaware brave named Thomas Hill, who was also noted for his bravery in the Mexican war, in which he was made captain of a United States company of soldiers.

At one time when the Pawnees were surrounded and most all of the warriors killed or captured, 8 Pawnee warriors sought refuge under a large rock or small cave, and being well armed made it very difficult to take them, but Thomas Hill jumped off from the top of the cliff above them in their midst and killed all of them with his tomakawk. In the Mexican war Hill was out with 8 federal soldiers, when a company of Mexican soldiers charged them; he made his men to hastily erect a circular fortification or earthwork out of sand, and awaited the charge, himself staying on the outside. He killed and scalped the Mexican captain and routed the rest without losing a man. For his acts of bravery he was presented with a saddle ornamented with gold and silver by the United States officers who served with him. In the late civil war the Delawares furnished 170 soldiers to the Union cause, out of an able-bodied male population of 201. Among them was Captain Fall-leaf, who was also noted for his bravery, and who captured Captain Tom Taylor, a Cherokee Confederate captain, near Fort Gibson. In 1866 the Delawares sold their lands in Kansas to the Union Pacific Railroad Company, and bought lands and a citizenship in the Cherokee Nation. After coming to the Cherokee country, in 1867, for a number of years there was strife between the two tribes, in which a number of each were killed. But finally the trouble was settled, and now they are on peaceable and friendly terms save a legal fight which is pending before the Court of Claims for a portion of a per capita fund which was paid to the Cherokees by blood, and to which the Delawares claim to be entitled by reason of their being citizens of the Cherokee Nation. They paid the Cherokees for 160 acres of land for each individual in the Delaware tribe who had been enrolled upon a certain register made in 1867 by the Delaware agent and on file in the office of Indian affairs, at the rate of \$1 per acre, and in addition to this they paid to the Cherokees \$128,000 as their proportion to the existing Cherokee national funds, which included general funds, school funds, and all of the Cherokee interest, and they are now recognized as Cherokee citizens, and have no separate government. They are located in Coo-wee-scoo-wee and Delaware districts, and do not mix very much with the Cherokees. The Delaware children, however, go to the public schools and seminaries.

GOVERNMENT.—The Delawares, though they have no separate government, have a chief who serves for life and either inherits his chieftaincy or is elected by the tribe by acclamation, or by the council for some act of bravery he has done. James Connor, late principal chief, now dead, was succeeded by Charles Journeycake, who was assistant chief.

The Delawares have been receiving annually \$60 each, payable semiannually, as trust fund interest for money in the hands of the United States, but a bill has been passed to pay the Delawares \$400,000 out of the principal of the trust fund. They number in the Cherokee Nation 754, and are Cherokee citizens. There are 95 Delawares with

the Kiowas and Wichitas. Those who are in the Cherokee Nation are in much better circumstances than many of the white people in several of the adjoining states. There were in April, 1890, 286 heads of families who owned the following property, as estimated:

Total.....	\$651,693
508 buildings and improvements valued at.....	389,103
5,915 cattle, at \$14.....	82,810
1,814 horses, at \$40.....	72,560
4,448 hogs, at \$3.....	13,344
51 reapers and mowers, at \$40.....	2,040
413 plows, at \$10.....	4,130
355 wagons, at \$40.....	14,200
792 acres oats, at \$3.....	2,376
4,260 acres wheat, at \$5.....	21,300
16,610 acres corn, at \$3.....	49,830

They had 27,878 acres of land improved. In the above estimate the landed interests of the Delawares are not fully included. Among the Delawares nearly every farmer of any pretensions has an orchard. Among them we find some of the best merchants, and there are mills of various kinds owned by them in the different settlements. Their houses are for the most part well built and substantial, and their outhouses, fences, and other improvements are well taken care of. No one who has visited the Delaware settlements could fail to note that they are among the most thrifty and intelligent Indians in the entire Indian country. They send representatives to the Cherokee national council.

TRADITION.—By R. C. Adams.—Many hundred years before the white man came to what is now the United States, a treaty of friendship was made with other Indian nations, and in memory of this event a wampum belt was presented to the Delaware chief, with a copper heart in the center of it. That belt was seen and acknowledged by William Penn, afterward by British generals, later by General George Washington, and from that down to about 45 years ago, 1841, by every Indian tribe in the north and east.

In presenting the belt at a grand council the Delaware chief would always hold it out and ask if any one could detect any change in the heart, whereupon it would be passed from one chief to another and from one brave to another and returned, and each chief would respond that the heart had remained unchangeable and true, although the sinews that held the wampum may have become rotten with age and had to be replaced with new ones. Although a wampum may have fallen off and thereby a figure in it been changed, yet the heart was always just the same. After exhorting for a time on the subject they would renew their bonds of friendship, smoke the pipe of peace, and depart.

From what I can learn, Captain Ketcham had this wonderful belt when he died in 1858. My informant thinks it is in the possession of the Delawares, who are now with the Kiowas and Wichitas.

WHY THE DELAWARES WENT TO CANADA.—These are notes by William Adams, an aged Delaware, father of R. C. Adams, of Alluwe, Indian territory:

While the Delawares were living in Ohio, on a certain occasion, they had a great feast, and were feasting on buffalo, deer, and bear meat. The chiefs of each clan with their war chief were there, together with the head chief, and everything going on smoothly and all enjoying themselves, when the bears' feet were passed around (which was considered a great dish, and on such occasions were given only to the chief and head men), when the chief of the Wolf clan was slighted on account of the chief of the Turkey clan, who did not think the chief of the Wolf clan came by his chieftaincy through legal inheritance, and purposely took two of the bears' feet. Then the chief of the Wolf clan being insulted, struck the other chief, and they began to fight, their war chiefs standing by to see fair play. Presently one war chief, seeing his chief under, asked the other war chief to take his chief off, when he replied: "Your chief began the fight, take him off yourself". But the war chief of the Wolf clan insisted that the other war chief should stop his chief, when he answered by burying his tomahawk in his own chief's head, saying, "Now stop your chief as I have done". But the war chief of the Wolf clan did not do so, but fled with his chief, and that night left with part of his clan for Canada. After remaining there for a few years, part of the clan returned to the tribes, but the remainder, or what there was left of them, are there to-day.

CLANS AND DANCES.—The following notes on the Delaware clans and dances were furnished by R. C. Adams, a Delaware Indian, before noted:

There were always and now are three clans with the Delawares; each had a chief. The three clan chiefs acted the same as three judges for the whole tribe. In council the opinion of two was taken as final. The clans were always traced from the mother's side, and lived in separate villages in olden times, but now they live together. Each chief had his war chief or head warrior under him. The clans represent the "Turkey", taken from the feathery kingdom, the "Wolf", taken from the animal kingdom (or beast), and the "Turtle" from the reptile kingdom. Each clan is divided into subclans. The only use of the subclans is to keep parties from intermarrying, as one could rarely marry in his own clan, and in no case in his own subclan. There was always a principal chief called sachem, who presided over all. His office was inherited. When the sachem would die then his oldest male relative, son first, then brother or nephew, would be the sachem. And in the same manner the office of the chief of each clan was inherited.

The war dance, it will be observed, has become a social dance, and in fact most of those noted are now such. Even with this civilized Indian tribe, where a large proportion are active churchmen, and the rest of highest morality and good citizens, the survival and exercise of ancient forms and customs is most marked. Some of the dances have lost much of their ancient significance, and are merely kept up as relics or for social purposes. Indian dances are now devotional or for amusement. As a race, Indians are given to dancing.

The Delawares in the Cherokee Nation have a number of dances, devotional or propitiatory in character, which are traditional and preserved mostly by reason of their tribal antiquity. Mr. Adams wrote in regard to them:

I inclose you a description of the skeleton dance, devil dance, buffalo and war dance, and the clans. I also inclose you a sketch of a



Delaware Delegates to Washington, 1867.

1. James Ketchum. 2. James Connor. 3. John Connor. 4. Charles Journeycake. 5. Isaac Journeycake. 6. John Sarcotie, Sr. 7. John Young. 8. Charlie Armstrong.
9. Agent Pratt. 10. Henry Tiblow. 11. Black Beaver. 12. James McDanniel, (Cherokee).

This plate is reproduced because it is a fair type of the appearance of the average Delawares' in the Cherokee Nation in 1890.



wampum belt which was used as an emblem of a treaty of peace and alliance with other nations. The christian Indians do not join these dances. We have a little over 200 Delaware Indians who are members of the Delaware Baptist church. We have no other denomination among us. There are about 200 who believe in the old faith, and about 400 who do not belong to church, but do not worship the old way.

THE WORSHIP DANCE OF THE DELAWARES.—The peculiar steps which they use in this dance have caused the name "stomp" or "stamp" to be applied to it.

In regard to the stomp dances of our people, we have several kinds of dances; the most important one is the "worship dance", which is carried on in a large building called a temple, which is rectangular and ranges from 60 to 80 feet long, from 30 to 40 feet wide, and is about 10 feet high. It is built of wood with 2 doors. The main entrance is at the eastern door, and it has only a dirt floor.

On each post is carved a human face. On the center post or one in the center of the building four faces are carved; each face is painted one-half red and one-half black. All the people enter at the east and go out the same way. When they come in they pass to the right of the fire, and each of the three clans of the Delawares take seats next to the wall, the Turtle clan on the south, the Turkey on the west, and the Wolf on the north. In no case can any one pass between the center post and east door, but must go around the center post, even to go to the north side of the temple.

This dance is held once each year, in the fall, and generally in October, in the full moon, and lasts not less than 12 days for each part. The tribe is divided into three clans, and each clan has to go through the same part, so the dance is sometimes 36 days long, but sometimes the second and third clans do not dance more than 6 days each.

The Turtle clan usually lead or begin the dance. A tortoise shell, dried and beautifully polished and containing several small pebbles, is placed in the southeast corner near the door in front of the first person. If he has anything to say he takes the shell and rattles it, and an answer comes from the south side of the temple from the singers, who strike on a dried deer's hide; then the party who has the tortoise shell makes an address or talk to the people, and thanks the Great Spirit for blessings, and then proceeds to dance, going to the right and around the fire, followed by all who wish to take part, and finally coming to the center post he stops there; then all the dancers shake hands and return to their seats. Then the shell is passed to the next person, who dances or passes it on, as he chooses.

On the third day of the dance all men, both married and single, are required to keep out of the company of women for 3 days at least. They have a doorkeeper, a leader, and 2 or 3 parties who sweep the ground floor with turkey wings, and who also serve as deacons. The ashes from the fire are always taken out at the west door, and the dirt is always swept in the fire. In front of the east door outside is a high pole on which venison hangs. It is a feast dance and the deacons distribute food among the people. The officers and waiters are paid in wampum for their services.

In no case is a dog allowed to enter the temple, and no one is allowed to laugh inside it, or in any way be rude. Each person is allowed to speak and tell his dream or dreams or to give advice. It is believed by the Delawares that every one has a guardian spirit which comes in the form of some bird, animal, or other thing, at times in dreams, and tells them what to do and what will happen. The guardian spirit is sent from the Great Spirit.

Traditions say that 10 years before white men came to this country (America) a young man told his dream in the temple. This was on the Atlantic coast. He saw coming across the great waters a large canoe with pinions (wings) and containing strange people, and that in 10 years they would in fact come. He told this dream and predicted the arrival of the white men each year until they came and were seen by his people. Many of our people still keep up this dance, but the temple is not so large as it used to be, and the attendance now is not more than 100 persons. Any Indian of any tribe can also take part in the dance, but no white man can.

When the dance is over all the people go out and stand in a single line from east to west with their faces to the south. Then they kneel down and pray, and then go home. We do not know the origin of the worship dance, but the old Indians claim that the Great Spirit came many years ago and instructed it and also gave them the wampum. We, the Delawares, also have the bread dance, war dance, dole dance, buffalo dance, and human skeleton dance.

HUMAN SKELETON DANCE.—Given only by the Wolf clan of the Delawares. A certain dance given as a memorial to the dead was supposed to clear a way for the spirit of the deceased to the spirit land. When a member of the Wolf clan died, the flesh was stripped from the bones and buried, and the bones were dried at some private place. At the end of 12 days the skeleton would be wrapped in white buckskin and taken to a place prepared for the dance and there held up by some one. As the singers would sing the men who held the skeleton would shake it and the bones would rattle as the dancers would proceed around it. After the dance the skeleton was buried. Traditions say that in ancient times some of the head men in the Wolf clan had a dream that they must treat their dead in that way, and the custom has been handed down to them for many centuries. The other clans say the custom does not belong to them. The custom has been long dropped. There has not been a skeleton dance since 1860.

MESSINGQ, OR SOLID FACE DANCE OR DEVIL DANCE.—The principal leader in this dance is the messingq, an Indian, who is dressed in a bearskin robe with a wooden face, one-half red and one-half black. He has a large bearskin pouch and carries a stick in one hand and a tortoise shell rattle in the other. He is a very active person. The dance is only for amusement, and men and women join in it. A large place is cleared in the woods, and the ground is swept clean and a fire built in the center. Across the fire and inside of the ring is a long hickory pole supported at each end by wooden forks set in the ground. On the east of this pole the singers stand; on the west end is a venison or deer, which is roasted. About daylight, when the dance is nearly over, all the dancers eat of the venison. They have a dried deer hide stretched over some hickory poles, and standing around it beat on the hide and sing. The dancers proceed around the fire to the right, the women on the inside next to the fire. After the dance is under headway the messingq comes from the darkness, jumps over the dancers, and dances between the other dancers and the fire. He makes some funny and queer gestures, kicks the fire, and then departs. The messingq is never allowed to talk, but frequently he visits the people at their homes. He is a terror to little children, and when he comes to a house or tent the man of the house usually gives him a piece of tobacco, which the messingq smells and puts in his big pouch, after which he turns around and kicks back toward the giver, which means "thank you", and departs. He never thinks of climbing a fence, but jumps over it every time that one is in his way. The Devil dance is what the white men call it, but the Delawares call it the Messingq, or "solid face" dance. The messingq does not represent an evil spirit, but is always considered a peacemaker. I suppose that it is from his hideous appearance that white men call him the devil.

BUFFALO DANCE.—The Buffalo dance is a pleasure dance and always begins in the morning and lasts all day. The ground is made clean in a circle large enough to dance on, and in the center a fire is built and a fork driven into the ground on each side, and a pole placed across the fire east and west. On each side of the fire is a large brass kettle hanging across the pole with hominy in it, and when the dance is nearly over the dancers eat the hominy, dipping their hands in the kettle. The singers are outside of the ring and beat on a dried deer hide stretched

over poles. They do not use the same step in the dance, but gallop like buffaloes and bellow like them, also have horns on their heads, and occasionally hook at each other. The dance is usually given before starting on a chase.

WAR DANCE.—The war dance is always given in the daytime, usually before starting on a war party, and often in times of peace. It is a very beautiful dance, for all the warriors appear in full war gear with paint, feathers, some with horns on, and their weapons on their persons and in their hands. In time of war a scalp is placed on a pole and the dance is around the pole. The singers are outside of the circle and beat a quicker time than for other dances and sing their war songs, which are answered by the braves with approvals and war whoops. They seem to move with great caution and care, with very wild expressions in their eyes, and looking and watching as if expecting an approach of the enemy at any moment. Then they will make sudden springs to the right or left, or backwards, or forwards, strike at an invisible foe or dodge an imaginary blow, and suddenly, as if the foe were conquered, resume a slow and cautious march, all the while going around the pole. The action of the dancers is commanded by the war song, for they act out what they sing. In time of peace, instead of a pole with scalps on it, a fire is built in the center and the dance is the same.

SHAWNEES WITH THE CHEROKEE NATION.

On June 7, 1869, the Shawnee tribe of Kansas became incorporated into the Cherokee Nation in Indian territory by an agreement which was approved by the President June 9, 1869, and which contained this clause:

That the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation.

The Shawnees in the Cherokee Nation live generally in close neighborhood and preserve their language and customs. They vote at elections and participate in all the affairs of the Cherokee Nation on equal terms with other citizens. In 1890 they numbered 694.

THE CHICKASAW NATION.

BY JOHN DONALDSON, SPECIAL AGENT.

The Chickasaw Nation contains 7,267 square miles, or 4,650,935 acres, of territory (treaty of June 22, 1855, volume 11, U. S. Stats., page 611). In 1837 the Chickasaws sold outright to the United States their lands in the state of Mississippi. For the sum of \$530,000 in 1837 the Chickasaws bought an interest in the Choctaw lands now in Indian territory, without the right to vote, and lived with them. In 1855 for the sum of \$150,000 the Chickasaws bought the right of self-government from the Choctaws, and a district, now known as the Chickasaw Nation, was established in the western portion of the Choctaw territory. From 1855 to 1887 the Chickasaw country improved very little, if any. To the west the ranchmen and their nomadic herds held undisputed sway; to the east the primitive red man dwelt in the seclusion that he loved so well. From 1861 to 1865 the Chickasaws took sides with the Southern Confederacy during the rebellion. In the spring of 1887 when the Atchison, Topeka, and Santa Fe route pushed through the nation it became the wedge that opened the way to incoming white civilization. Thousands began to pour in, as the situation was favorable. It cost but a nominal sum to rent valuable farming lands of the Indians, living was cheap, and returns from agricultural labors were large. The outside whites had heard of the rich wilderness and fertile plains awaiting only industry, enterprise, and money to develop them.

The general topography of the country is that of a rolling prairie in the west, more hilly and wooded in the east. The country is well watered by the South Canadian, Washita, and Red rivers, with their numerous tributaries. In the extreme west the cattle industry still flourishes to a considerable extent, although the small farms are rapidly encroaching upon the cattle ranges.

In numerous river valleys and creek bottoms the agricultural resources of the country attain their highest development, though the uplands are capable of producing bountiful crops. In the central part of the nation a high range of hills, called the Arbuckle mountains, covers a large scope of country, while the country to the east is broken by abrupt hills, heavily timbered. It is in this rough, hilly country that the recent mineral discoveries were made. Gold and silver are said to exist here to some extent, and deposits of coal, iron, lead, and mica await development. But two coal mines have been opened as yet. One railroad, the Gulf, Colorado, and Santa Fe, traverses the Chickasaw Nation from north to south; the Missouri, Kansas, and Texas railroad crosses Panola county in the southeastern portion of the nation. The Rock Island and Peoria railway is built to Minco, on the South Canadian. Other lines have secured charters from Congress. There are several good towns, a score of trading points, and 76 post offices in the nation. The basis of the nation's industries is agriculture. Corn, wheat, hay, vegetables, cattle, hogs, and horses are the leading products of the country. The timber wealth is undeveloped. There is not a turnpike, macadamized road, nor improved highway in the nation. Mud roads are the only highways of travel. With the exception of a few very small bridges across insignificant brooks and railroad bridges there are no bridges in the nation. The rivers, such as the South Canadian, the Washita, and Caddo, are all forded. A rainy spell of any consequence interrupts communication between the different parts of the nation, and travelers are frequently water-bound for a week in traveling even a short distance. Some few ferries are to be found. The population of the Chickasaw Nation is made up largely of whites, noncitizens, most of whom rent farming lands of the tribal citizens. Traders and professional men are required to pay an occupation tax also. The noncitizens are not amenable to the tribal laws, the United States having recently established its own courts in the territory. All controversies between the two elements are tried in the United States courts, those between the Indian citizens alone being left to the jurisdiction of the tribal or Chickasaw national courts. Considering the conditions under which these people live crime is rare in the Chickasaw Nation. Most of the cases brought to court are of a civil nature, or trivially criminal; there are but few felonies. The noncitizens are usually law-abiding and generally industrious. The improvements on realty in the nation are necessarily of a transient nature, owing to the uncertainty of the land tenure. There is little expenditure for permanent improvements on the part of the citizens who hold their lands in common, and none by the noncitizens who can under the law make a rent contract for but one year. The conditions which delay the advancement of the country apply with greater force to the progress of the towns. There are no provisions for town sites under the Chickasaw law, and the occupants of town lots are merely tenants of the native landholder or claimant like their agricultural brethren. The buildings are, as a consequence, temporary, and public improvements and regulations inadequate. The towns

have no government of any kind, consequently they are filthy from lack of sanitary regulations and disorderly for want of police protection. The future will bring an increase of the white population and make the question more serious. The more intelligent and progressive citizens and noncitizens are anxiously looking forward to the change which is certainly imminent. The allotment of land in severalty among the tribal citizens, the abolition of tribal relations, and the statehood of the Indian territory is the relief expected by some. The cost of living is small, the soil is fertile, and the climate genial. The Chickasaw farmers on leased lands are doing well, and the white inhabitants of the towns are generally well-to-do. The settlement of the country and growth of the towns have been rapid.

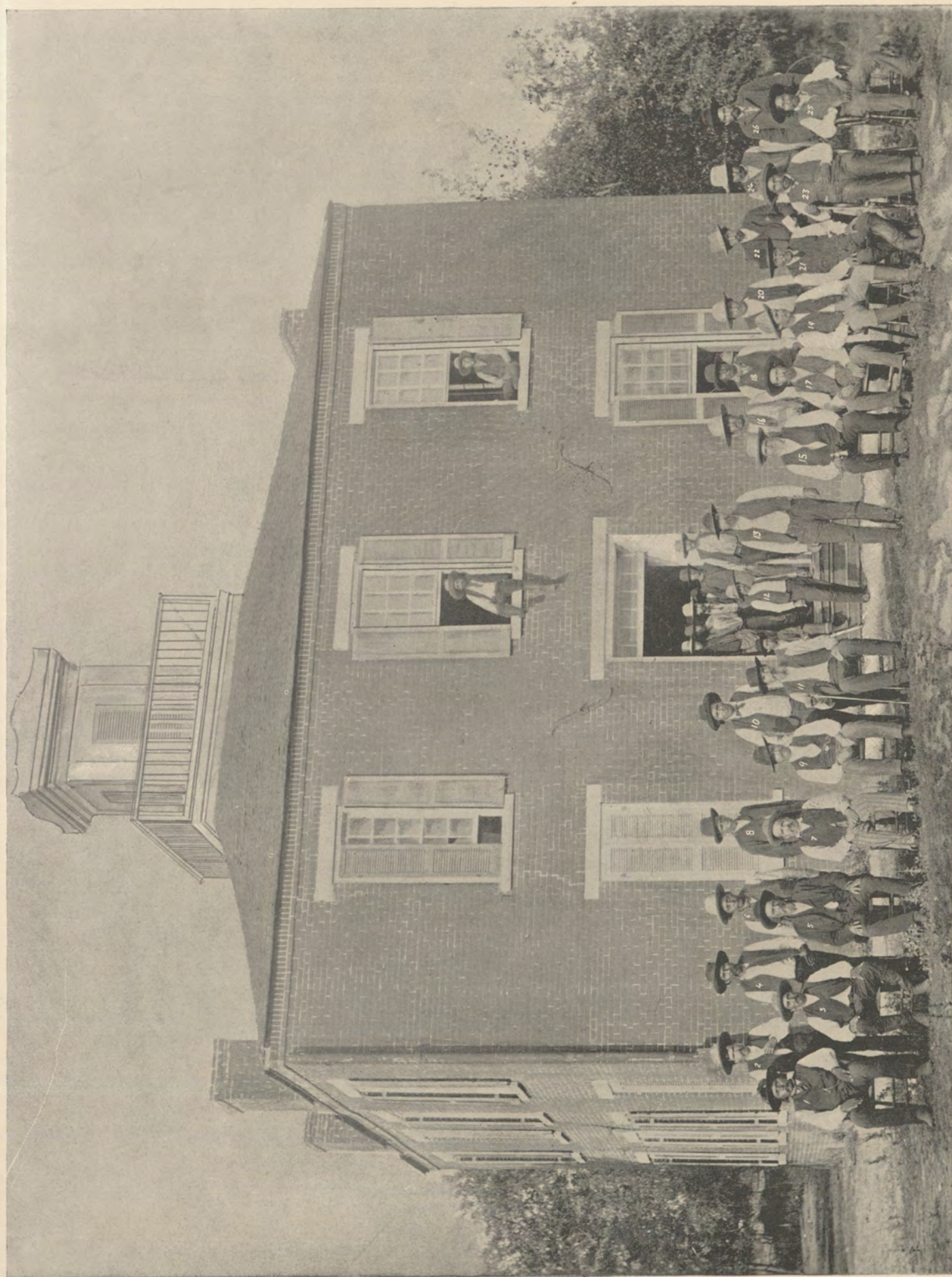
THE CENSUS.—The census of the Chickasaw Nation shows a total of 57,329. The nation was divided into 15 districts by highroads, rivers, and railroads. Panola county was divided into 2 districts and showed a total population of 2,879; Pickens county, or the state of Pickens, as it is called here, was divided into 8 districts and showed a population of 40,299; Pontotoc county was divided into 3 districts and showed a population of 9,135; Tishomingo county was divided into 2 districts and showed a population of 5,016. Much difficulty was had in getting good men for the work. Almost the entire list of 15 names first recommended by the governor was rejected, as they were officeholders under the Chickasaw government and could not serve on our work. Of the second list of 10 names a number were rejected as incompetent. The 19 enumerators who did the work were Indians and whites. In all cases men were chosen who were perfectly familiar with the districts in which they were to work. No dissatisfaction with the enumeration was heard anywhere. The work was thoroughly and conscientiously done. Most of the white men and some of the Indians were very rapid workers.

The Chickasaw legislature of 1890 authorized a census to be taken of the Chickasaw Nation. The work commenced about September 1, 1890, and was discontinued November 1, 1890. The census was not completed. The Chickasaw schedules contained 7 questions: first, names of heads of families; second, post office address; third, age; fourth, children, whether males or females; fifth, Chickasaws or Choctaws by marriage or blood; sixth, whether United States citizens under permit, intruder, United States negro, or Indian negro; seventh, total members of family. As some of the questions touched upon the white man's right in the nation they were not very fully answered. No statistics as to crops, live stock, or wealth were taken.

CONSTITUTION.—By the Chickasaw constitution no religious obligations are imposed. All denominations are protected. Free speech is guaranteed. No unreasonable search of person or house is permitted. Speedy trial is assured in criminal prosecutions, and persons are held responsible only on indictment or good information. All prisoners are bailable except those charged with murder. Remedy is provided for injury to lands, goods, person, or reputation. Excessive bail can not be exacted. No cruel or unusual punishments are inflicted. The right of trial by jury is inviolate. A person can not twice be put in jeopardy of life or limb for the same offense. The legislature has jurisdiction in the matter of bearing arms. There is no imprisonment for debt. Elections are *viva voce*. All male persons over 19 years of age, by birth or adoption members of the Chickasaw Nation, who have resided 6 months immediately preceding any election in the nation, and not otherwise disqualified, are deemed qualified electors.

LEGISLATIVE.—Members of the senate and house of representatives of the Chickasaw Nation are elected for 1 year. They receive \$4 per diem. Senators must be 30 years of age and representatives 20 years of age. The number of senators shall never exceed two-thirds of the number of representatives. Each county is entitled to 3 senators and 5 representatives. The house and senate each choose their presiding and other officers. A two-third vote of either house is necessary to expel a member. Members of the legislature are exempt from arrest going and returning, except for felony, breach of the peace, and treason. The business of the legislature is transacted with open doors. Without the consent of the other neither house can adjourn for more than 3 days. All revenue and appropriation bills originate in the house. Senators and representatives are prohibited from holding any other civil office. The house has sole power of impeachment, and all impeachments are tried by the senate. In case of impeachment the parties convicted are subject to trial and punishment according to law, to removal from office, and are disqualified from holding any office of honor, trust, or profit under the Chickasaw government.

EXECUTIVE.—The governor of the Chickasaw Nation is elected by the votes of the qualified electors and holds office for 2 years. The governor is not eligible for more than 4 years in any period of 6 years. He must be 30 years of age, a resident of the nation for one year next preceding his election, and a Chickasaw by birth or adoption. He can not hold any other office while governor. In case of death, removal, or resignation of the governor the president of the senate, and next the speaker of the house of representatives succeeds him. The offices of secretary, auditor, treasurer, and attorney general of the Chickasaw Nation are provided for. They are required to attend at the seat of government, Tishomingo, quarterly and during each session of the legislature. The governor has the authority to call out the militia whenever he may deem it necessary for the protection and welfare of the nation. The executive receives an annual salary of \$1,500.



MEMBERS OF SENATE.

1. Senator Wall Lewis.
2. " Martin Newberry.
3. " Johnson Keel.
4. " Willis Brown.

5. Senator Billy Goforth.
6. " Charley Mule.
7. " Billy Hawkins.
8. " Amos Colbert.

Interpreter.

CHICKASAW COUNCIL SENATE AND HOUSE, 1890.

9. Senator Albert McKinney.
10. " Robert Newberry.
11. " Benj. Kemp.
12. " Hogan Keel.

13. Hogan Keel, House Interpreter.
15. Benj. Pipey, Speaker House.
17. Bub Kemp, Member House.
18. Sam Tynby, " "

- #### MEMBERS OF HOUSE.
19. John Keel, Member House.
 20. Chilli Alexander, Member House.
 21. Thompson Pickens, Member House.

22. George Colbert, Clerk House.
23. Isom O. Kyaube, Member House.
24. Wall Alexander, " "
25. Dr. Falater, " "
26. Hogan Maytubly, " "

JUDICIAL.—The judicial powers of the Chickasaw Nation as applied to citizens are vested in a supreme court and district and county courts. The supreme court consists of a chief justice and 2 associates, any two of whom shall form a quorum. The judges must be 30 years of age. Their term of office is 4 years. The judges of the county courts are elected by the people and have jurisdiction in all cases not exceeding \$100, and also act as probate judges. They hold office for 2 years. The district attorney, elected by the people, also acts as attorney general of the Chickasaw Nation.

POLITICS AND OFFICE HOLDING.—No citizen is allowed to hold more than one national office at the same time. Officers not paid from the national fund are exempt from this rule. There are two political parties among the Chickasaws, the National or Pull Back party and the Progressives. The white men have no vote and the last legislature disfranchised the "galvanized" or "married in" whites. The present is a Pull Back administration. The Pull Backs are in favor of leaving national affairs just as they are. The majority of the Pull Backs are office holders. The Progressive party favors the division of the land in severalty, statehood, and opening up the country to whites and others. The full-bloods are a very small minority among the Pull Backs, and as a rule hold but a few acres each.

CRIMES AND PUNISHMENT.—The United States statutes and those of Arkansas are in force in the Chickasaw Nation for the government of the whites, noncitizens, and such Indians as are naturalized. The Chickasaw law provides that treason against the Chickasaw Nation is punishable by death. Treason shall consist of levying war against the nation, adhering to its enemies and giving them aid and comfort. Conviction requires the testimony of two witnesses to the overt act or confession in open court. Murder is punished by hanging. The government is authorized to offer a reward not exceeding \$500 for any person charged with or convicted of murder or other capital crimes. A fine of from \$150 to \$1,500 is imposed for maiming or wounding. For introducing spirituous liquors into the nation, the offender is liable to a fine of \$10 for the first offense and \$40 for each succeeding offense. Wills may be written or verbal and must be witnessed by two disinterested persons over the age of 16 years and recorded in the office of the county clerk of the county in which the individual resided within 2 months after the decease of the person making the will. To give a mortgage or deed of trust upon any personal property, and then to sell or otherwise dispose of the same or remove the same from the Chickasaw Nation, is considered grand larceny. Grand larceny is punishable by 39 lashes on the bare back or imprisonment for 1 year and restoration to the owner of the goods, chattels, money, or other articles of value stolen. Petty larceny under the value of \$20 is punishable by infliction of 39 lashes or restitution to the owner of the goods, chattels, money, or other articles of value stolen. A conviction of arson imposes a full indemnity for damages done to the party injured and 39 lashes on the back. Gambling is punishable by a fine of from \$100 to \$1,000 or imprisonment in the national jail from 10 to 60 days. For threatening the life of another, a person is subject to a fine of from \$50 to \$300. Horse stealing is punishable by a fine of not more than \$200, 39 lashes on the bare back, and imprisonment not exceeding 1 year. For the third offense the punishment is death by hanging. For the pulling or leaving down a fence, the offender is liable for the damage done to the owner of the farm or 60 days' confinement in the national jail. A fine of \$5 is imposed for ball playing or horse racing on Sunday. Any person who shall cut down any pecan or hickory tree or even a limb for the purpose of getting the nuts is liable to a fine of from \$25 to \$50. White men residing in the nation summoned to attend the Indian court are subject to a fine of from \$5 to \$50 for refusal or removal from the limits of the Chickasaw Nation. Carrying arms is prohibited, except to sheriffs, constables, and others summoned by them, under a penalty of from \$1 to \$25 for each offense. Bribery is punishable by imprisonment not exceeding 6 months in the national jail. Noncitizens not lawfully residing within the limits of the Chickasaw Nation hunting wild game, trapping, or fishing are dealt with as intruders and are reported to the proper authorities of the United States. Forgery is punishable by imprisonment in the national jail for not less than 1 month nor exceeding 2 years, and a fine of not less than \$25. No person, citizen, noncitizen, or freedman, can carry any pocket pistol or revolver of any kind within the limits of the Chickasaw Nation, under penalty of a fine of from \$25 to \$100. Whenever the punishment is whipping the same is inflicted by either the sheriffs or constables by means of a good hickory switch.

MARRIAGE AND DIVORCE.—Noncitizens must reside in the Chickasaw Nation for a period of 2 years before they can procure a license to marry a citizen of the nation; must be of good moral character and industrious habits; must be recommended by at least 5 good and responsible citizens of the nation and of the county wherein they reside; pay a license fee of \$50, and, finally, all must be approved by the county judge. Such marriage confers the right to citizenship and the right to select and improve lands. In case a citizen of the United States, having married a member of the Chickasaw Nation, shall voluntarily abandon or separate from such member of the Chickasaw Nation, such citizen of the United States shall forfeit all right acquired by such marriage in the Chickasaw Nation and be liable to removal as an intruder from the limits thereof, and it has recently been decided that when a citizen of the United States marries a citizen of the Chickasaw Nation within the limits of a state or

territory other than the Chickasaw or the Choctaw Nation, and according to the marriage forms and ceremonies of such state or territory, no citizen rights are acquired by such marriage.

Polygamy and concubinage are prohibited. Marriages must be solemnized by a judge or other person lawfully authorized to perform the marriage ceremony. Persons found guilty of polygamy are compelled to remain apart until the disability is removed, pay the cost of suit, be fined \$50, and in case of inability to pay the fine be confined for from 1 to 6 months in jail. By the act of October 10, 1876, all persons convicted of crimes where fines are the penalty and are not able to pay the same are subject to 3 months' imprisonment in the national jail, with or without hard labor, at the discretion of the court, but the act shall not be construed to interfere with the terms of imprisonment provided for violation of other laws. Persons guilty of concubinage or adultery are compelled to separate forever, and are subject to a fine of \$50.

PERMITS.—It is stipulated in the thirty-ninth article of the treaty of 1866, between the Choctaw and Chickasaw tribes of Indians, that no person shall expose for sale in the Chickasaw Nation any goods or other article of merchandise without obtaining a permit from the legislature thereof. Trading without obtaining a permit incurs the penalty of having all goods and merchandise confiscated. A tax of 1 per cent is charged by the nation on all goods, merchandise, or other articles for sale or barter. No trader's permit can be granted for a longer period than 3 years. Citizens are required to have permits, but are exempt from taxation. Noncitizens are required to pay \$5 per year for residing in the Chickasaw Nation, and no permits are granted for a longer period than 1 year. Noncitizens wishing to remain in the Chickasaw Nation for a shorter time than 6 months can do so by paying the permit collector 50 cents a month for every month or part of a month. Permit collectors are elected in each county of the Chickasaw Nation for a period of 2 years. They are required to give bond in the sum of \$500 to the governor, and for their services they are paid 15 per cent of all the money they may collect. Deputy permit collectors may be appointed by the permit collectors, who are to be paid by the permit collectors out of the 15 per cent they receive for their services. An inspector of permits for each county is appointed by the government. The inspector takes up all permits granted in his county and gives his receipt for the same. Inspectors are entitled to 10 per cent out of the permit money.

Persons living in the nation under permit shall not be allowed to bring in or hold more than 5 milch cows, nor keep hogs outside of inclosures, but are allowed all the work horses, mules, and cattle necessary for farm work.

COTTON.—Cotton is the staple of the Chickasaw Nation. For over a quarter of a century the Chickasaws had cultivated small cotton patches, demonstrating the value of their lands for the culture of that staple. Before the war their slaves toiled in the cotton fields and raised cotton, a bale and more to the acre, and of excellent quality. After the completion of the railroad through the nation and the influx of white settlers, the production of cotton enormously increased. The nation now produces about 40,000 bales of cotton annually. The town of Ardmore marketed 835 bales during the season of 1887–1888. During the season of 1888–1889 3,500 bales were marketed. During the season of 1889–1890 Ardmore handled 17,000 bales. The smaller towns handle from 500 to 5,000 bales annually. Cotton is hauled to Ardmore from 100 miles distant. It is the market for a scope of territory extending to the regions around Fort Sill on the west to the Washita and beyond on the east and north and to the Red river and across the Texas line on the south. The Chickasaw Nation is largely settled by Texans, and southerners predominate, consequently cotton is money here, as most of the farmers raise a few bales for ready cash. The cotton seed is used for fattening fowls and stock.

CORN.—Next to cotton, corn is the leading product. The Chickasaw Nation is a productive corn country. Its fertile valleys have for years yielded astonishing crops. In 1866, the year before the great immigration from Texas, one man raised on his Washita valley farm 100,000 bushels of corn. That year corn sold as low as 15 cents a bushel. As a result of overproduction of corn and the increased attention to the cotton crop, the production of corn has decreased. Owing to the drought of 1890 and the increased immigration, corn was very high in the fall, bringing 75 cents a bushel of 72 pounds in the shock and on the cob. The Washita valley produces as high as 80 bushels of corn to the acre. Fifty bushels to the acre is a fair yield.

OTHER CROPS.—But little wheat is raised. Hardly any rye is grown, and very few oats. There are few orchards in the Chickasaw Nation, apples and cider being brought from the adjoining states and commanding higher prices than the home product. Melons are extensively cultivated, and do extremely well; watermelons weighing as high as 70 pounds were in the market in 1890. Two crops of potatoes, cabbages, tomatoes, and sweet potatoes are raised annually. Irish potatoes are scarce during the winter. The spring potato raised here will not keep during the winter, and the fall crop which produces small potatoes, is depended on for a winter supply. The castor-oil plant is quite extensively cultivated, several plantations 160 acres in extent being devoted to it in 1890. The beans were worth \$2 a bushel in Dallas, Texas, where they are pressed.

STOCK.—In the Chickasaw Nation the farm horses will average \$40 in value, but the pony horses, as they are called here, are in the majority; \$15 to \$30 is the prevailing price for the pony horse. As a result, the saddle

used by the horseman is worth more than the animal itself. An attempt has been made within the past few years to improve the quality of the native stock by the introduction of the Percheron draft horse for breeding purposes. The farmers claim that the cross with native mares does not turn out well. The native rawboned horse and pony will thrive on the grass here, exposed to all weather, while the half thoroughbred loses flesh and drops off with the best care. The mud roads here are against the draft horse. Two small native horses will haul 5 bales of cotton, weighing about 2,500 pounds, 40 miles a day. There are a number of inferior mules in the nation. Very few sheep are raised and no mutton is in the market. The northeastern part of the Chickasaw Nation, about Stonewall, is a splendid sheep country. There are many Angora goats raised, principally for their flesh.

CATTLE.—No citizen or person under permit is allowed to hold for pasturage in this nation any stock of any kind in his name or otherwise belonging to the noncitizen, under penalty of from \$100 to \$500. The wire fences and increased population have contributed to restrict the ranges. Steer cattle can only be introduced into the nation in the months of November and December. All stock excepting goats must be branded and ear marked. Neglecting to have brands or marks recorded in the office of the clerk in the county in which the owner resides is punishable by a fine of from \$5 to \$10. Stock driven through the Chickasaw Nation at a less rate than a given number of miles provided by law in any one day are liable to a pasturage duty of \$1 per head. Any person or persons who shall drive, or cause to be driven, any stock off their range to the extent of 2 miles shall be fined not less than \$10 nor exceeding \$50. The cattle here are about the same as the horses in quality. Very few good milch cows are to be found. With a country overgrown with the finest grass and everything favorable for the dairy business, nothing of the kind is known here. Three or 4 quarts a day is considered a good yield for a milch cow. Very little good butter can be found at any time, and no cheese is manufactured in the nation. All efforts to remove stock unlawfully grazing and ranging in the Chickasaw Nation and collect penalties for their intrusion have been attended with an outlay at least as large as the collections therefrom.

MINING.—There is a coal mine near Ardmore that has been worked about 2 years. It is claimed that the supply of coal is abundant, but at the present time I am reliably informed that but 1 car load has been shipped. The town of Ardmore last winter derived its supply of coal from this mine. There is coal near Dougherty of good quality, and also near Colbert station, in Panola county, but the total output of coal from the Chickasaw Nation amounts to very little. There are some oil springs near the nation, but they have not so far been successfully worked. Asphaltum is found in Pickens county, west of Healdton. Prospectors state that the Arbuckle mountains abound in the precious minerals. Gold, they state, is extremely plentiful, and silver is hardly worth looking at, not to mention the base metals. But they do not bring in much gold or silver. The last Chickasaw legislature chartered a mining company, and granted it the exclusive privilege of mining and prospecting a territory 25 miles square. There is considerable mica in the country, but not in commercial sizes. Iron, copper, and lead are found, but so far no mines have been developed.

WHISKY AND OTHER SPIRITUOUS LIQUORS.—Any citizen introducing whisky or other spirituous liquors into the Chickasaw Nation is liable to a fine of \$10 for the first offense and \$40 for the second and succeeding offenses. Whisky peddlers abound everywhere. Noncitizens are the introducers, as a rule. The commonest of poor whisky readily sells for \$2 a quart. The adjoining states have a large sale of whisky in the Chickasaw Nation. The town of Gainesville, Texas, ships \$50,000 worth of liquor into the nation every year. Drummers from St. Louis and Kansas city travel through the nation soliciting trade and taking orders for whisky.

Ardmore, the largest town in the Chickasaw Nation and the metropolis of The Five Civilized Tribes, is but 3 years old (1890). It has a national bank, 9 hotels, between 80 and 90 business houses, and 2 newspapers. A branch of the United States court is also located here. Tishomingo, the capital of the Chickasaw Nation, is an old fashioned Indian town located on Pennington creek, in the eastern part of the nation. It is the center of the alleged gold fields, and a great many prospectors make Tishomingo their headquarters.

LAND IN SEVERALTY.—The majority of the Chickasaws are in favor of the allotment of their land. The industry of the white settlers has made this an agricultural nation, and the farms of any size are cultivated by them. The greatest objection to the allotment at the present time is that the renters upon the land have but little means, have put all they have into the crops, which were a partial failure in 1890, and if the land were divided and sold at present they would be too poor to purchase and would lose all. The enfranchised white men, who as a rule take up large quantities of land, are in favor of allotment. The full-bloods who oppose allotment do so through motives of uncertainty as to what the future will bring forth. They are content to let well enough alone. The scheming Indians, who have been large holders of land, work upon the fears of the full-bloods and predict everything dreadful and awful to follow allotment. Every time the question of division of the land comes up the large land holders cry out, "Do you wish to put the poor Indian at the mercy of the smart white man"? At present it is the poor Indian who is at the mercy of the sharp Indian, and it is the sharp Indian who dreads the sharp white man. The younger and well educated element among the Chickasaws almost all favor allotment. With allotment will come all necessary changes in the present methods of this people.

THE CHOCTAW NATION.

BY JOHN W. LANE, SPECIAL AGENT.

The total number of Choctaws, as shown by the report of the Commissioner of Indian Affairs for 1889, is in round numbers 18,000, including Choctaw Indians, adopted whites, and negroes.

The United States census, as just taken, foots up a total population, including all classes, of 43,808 souls. Of this number 10,017 are Choctaws and 1,040 Indians of various other tribes scattered through the Choctaw country. There are 4,406 of negro descent living in the Choctaw country.

There are also living in the limits of the Choctaw Nation 28,345 whites. Of this number 332 are squaw men, or citizens adopted by the Choctaw council or government.

The census of the Choctaw Nation, taken by the officers of the nation under authority of the council in 1885, as shown by properly attested census returns in the council house, shows the total population of the nation to be 13,281 citizens. These were divided by counties into Indian, white, and negro, as follows:

CHOCTAW CENSUS, 1885.

COUNTIES.	Total.	Indians.	Whites.	Negroes.
Total	13,281	12,816	427	38
Blue	1,740	1,647	90	3
Boktoklo.....	328	327	1	.....
Atoka	1,247	1,160	70	17
Cedar or Jackson.....	555	555	.....	.....
Eagle.....	744	742	2	.....
Gaines.....	702	687	11	4
Jacks Forks.....	704	697	6	1
Kiamitia	1,250	1,188	55	7
Nashoba	797	792	.....	5
Red River	808	804	4	.....
Scullyville	764	726	38	.....
Sugar Loaf.....	764	738	26	.....
San Bois.....	891	856	35	.....
Toboksy.....	922	838	83	1
Towson	476	470	6	.....
Wade.....	589	589	.....	.....

The Choctaw census is supposed to show only the national citizens. The difference between the Choctaw census of 1885 and the federal census of 1890 is due to an unknown extent to such whites and negroes resident in the nation in 1885 as were not counted in the Choctaw census. No comparison between the two censuses is practicable. A similar statement would apply to any comparison one might attempt between the number reported in 1889 by the Indian Office and the number given in the federal census of 1890.

The negroes have increased by a very large per cent. Some of the members of the council inform me that the Choctaw enumeration is very imperfect, especially as it relates to the negro. I have noted the rolls as I found them. It will be seen that the pure Indian blood is fast running out, and after a few decades none will be left to tell the story of the white man's innovations.

NONCITIZEN POPULATION.—A large number of people are here by permission of the Choctaw authorities. Each Indian or white citizen owning landed improvements and contracting with noncitizens to labor for him or till his soil must become responsible to the government and see that a permit is secured for each male laborer of legal age, and for each head of the family who may manage or cultivate his farm or any part of the same. Said

permit is for the term of 1 year. To live here and cultivate land he is required to pay for the permit \$5. If his occupation is that of a common laborer he must pay \$5; if a mechanic, \$10; if a professional man, \$25; if a clerk, \$10; to keep a hotel or boarding house, \$25; if he obtains a trader's license he pays 5 per cent on his invoices per annum. The fund derived from these sources goes into the national treasury to be used in defraying the current expenses of the government. No taxes are assessed.

GOVERNMENT.—The organization of the Choctaw Nation is about the same as that of the Cherokees and Chickasaws, namely, executive, legislative, and judicial.

The laws are passed by their national council, but the bills are often drawn by white men, and much of the public money finds its way into their pockets, and the poor Indian realizes but a tithe of what is justly his.

They do not show much economy in the management of their national finances.

PUBLIC BUILDINGS AND RECORDS.—The Choctaw Indians are very careless of their public records. Public records relating to the schools at the office of the school superintendent show only the sum of money appropriated and paid out for educational purposes. But few records are kept in the office of the national secretary, and these are in a bad state of preservation. The books and papers in the library cases are eaten by some insect and many of them nearly destroyed. From these indications I think the records are rarely ever consulted or the books read. The same is true of the court records, but few are kept for future reference.

The courthouses are usually located in out of the way places and are mere shanties in architecture. The Choctaws manifest no desire to build public buildings after the modern style. The buildings stand closed at all times except when the court or the council is in session. The little public business attended to is usually transacted by the various officers at their homes.

ROADS.—The Choctaws pay little attention to the public roads. Indians never devote any labor to the highways. They use a road as long as it is practicable to travel over it; after this the portion in bad repair is abandoned and a new route is selected. Hence the roads are in a very bad condition.

BRIDGES.—Many of the streams have very bad and dangerous fords. There are no public bridges over these creeks and rivers, so in the rainy season travel is obstructed much of the time. Some of the streams on the roads of greatest travel have bridges built by private parties, and high rates of toll are charged. These bridges are yielding a large revenue to the investors. The Choctaw citizens pass over these bridges free, and legislation for free bridges would not be in the interest of the owners of the toll bridges.

STREETS.—The streets and alleys in the towns are in bad condition in many instances. As there are no municipal governments in the Choctaw Nation the streets and walks of towns have no labor bestowed on them, only as directed by private interest and capital.

RULE OF OCCUPATION OF LAND.—As the land differs greatly in quality, in a division by value all would not receive the same number of acres. The rule of occupation at present practiced is for each head of the family or any Indian of legal age (18 years) desiring to have a house or make a farm to select any site or lands upon the public domain for such house or farm as may suit his fancy, provided any citizen has not made the selection before him and indicated such fact by making some visible improvements; or, secondly, that the said lands selected lie outside a distance of 440 yards from any inclosure occupied and used by any citizen of the Choctaw Nation. If the land is desired for a pasture he may fence in 1 field 1 mile square without regard to the points of the compass, and he may hold and own for use as many such pastures as he may have ability to inclose with legal fences, but neither he nor any other person is at liberty to erect a fence nearer than 440 yards from the first named inclosure. These pastures may be used by the owner or rented for the owner's benefit.

If lands are desired for cultivation the selection is made as before stated, but the size of the farm is only regulated by the desire of the owner or his ability to fence and prepare for cultivation. It may embrace 1 acre or many thousands of acres, and the Choctaw citizen is not limited as to the number of his farms so long as there is land in the tribal public domain to meet the requirements of all, and the present supply exceeds the demand.

The practice with many squaw men and half-breeds is to have opened for cultivation large tracts of land, and cause to be erected small cabins or box houses on each 40 or more acres of the said lands, and then rent the lands to white noncitizens and negroes for a term of 1 year, as no rental contract can include a longer time.

The occupation right to these farms and pastures may be transferred from one citizen to another by bill of sale or verbal contract in the presence of witnesses. They simply transfer the ownership of the improvements, and possession of the land secures the owner under the tribal laws. Some of the squaw men and Indians of mixed blood have large tracts in cultivation, and receive large returns annually in rents.

Some parties, having the rights of citizens, rent from the Indians large tracts of land and then sublet these lands to white settlers and realize large profits in the transaction.

KINDS AND VALUE OF CHOCTAW LANDS.—I have made a careful study of the lands in the Choctaw country to

ascertain the per cent of the lands that are suitable for agricultural purposes, also for grazing, timber, and mining purposes. I have also made diligent inquiry of men of close observation and good judgment and well acquainted with all sections of the Choctaw Nation, and the conclusion reached is that about 20 per cent of the entire country can be profitably devoted to agriculture, while 70 per cent may be regarded as suitable for grazing purposes.

The counties bordering on Red river on the south and the Canadian on the north are best suited to agriculture; all creek bottoms or valleys are rich in fertile soils, while the mountains and hills are composed of soils of less productive quality. Most of the uplands are covered with nutritious grass, and cattle, horses, and swine live on the range the entire year. Each Indian, negro, and white tribal citizen is allowed by tribal law to hold or own as many cattle and other stock as he may be able to put upon the range or in his pasture, but the noncitizen can not herd upon the public domain for any one, or own more than 10 head of cows, and can only hold the increase of these until they are 1 year old. This is the established rule, although a section of the Choctaw law says "that a noncitizen is not permitted to raise stock in the limits of the Choctaw country". This country is well adapted to the raising of swine.

In 1890 the drought was so severe that the corn crop was almost an entire failure, yet the hogs were well fattened for slaughter, having procured their food in the woods. With many Indian families the only revenue is from the swine herd, furs, pelts, and snake root. The Indians take otter, beaver, mink, muskrat, raccoon, opossum, fox, skunk, and deer, all of which abound in this country, and use several of them for food and sell the hides. The squaws dig snake root, which finds a ready sale here, and in this way they manage to eke out an existence.

TIMBER AND DEALERS.—The eastern portion of this nation is very rough and mountainous, and only small tracts can be found suitable for cultivation. These mountainous ranges are covered with heavy pine forests. The forests are yielding to the woodman's ax. Saw mills are in many localities and millions of feet of pine and walnut lumber are sawed and shipped annually. Good oak timber is also plentiful in the Choctaw Nation, and many ties are cut and exported.

Squaw men and others, principally Indians with a large per cent of Caucasian blood, hire men to convert the standing timber into logs, boards, and ties, which are sold to the railroad company and shippers, as none but citizens are allowed to control the cutting of timber. The contractors are presumed to report to the national agent the amount so used and pay to the agent for the government a royalty of so much per cent. This, together with the royalty from the mines, for the most part supplies the funds to carry on the national government. The squaw men and lumber traders reap large profits from the business and endeavor to influence legislation, as is patent to any close observer who visits the Choctaw council in session.

FARM PRODUCTS.—The soils here are capable of a high state of cultivation, but great care is essential, as the soil washes very easily upon the slopes. Cotton and corn are the staple articles grown. Oats and wheat and rye are raised in small quantities, and but little attention has been paid to these cereals. The tame grasses have not been extensively grown and can not as yet be pronounced a success. Peaches and the small fruits do well here, and fair crops of apples are reported, but the fruit is only moderate in quality and is a poor keeper.

Vegetables are grown abundantly when the proper efforts are put forth, and are of good quality, but they decay soon after maturity, unless the sweet potato may be an exception. The fruit and vegetables grown in the north and west and shipped hither remain in good condition much longer than those grown here.

CLIMATE.—The climate is mild and salubrious, about as found elsewhere in the same latitude and altitude. If better precautions were taken for the protection of the families the health of this country would compare favorably with that of any of the western or southern portions of our domain.

The rainfall in the autumn, winter, and spring is usually abundant and sometimes greatly in excess of actual requirements, but in midsummer the dry weather sets in and frequently the crops are seriously injured.

MINERALS.—The counties of Atoka, Toboksy, Gaines, and Scullyville may be styled the coal producing counties of the Choctaw Nation, notwithstanding that coal can be profitably mined in other counties.

In the counties named are large mining interests. Many men are constantly employed and many hundreds of carloads are daily shipped from these several mines. Coal of excellent quality is produced.

I have been shown a very fair sample of cannel coal taken out in Atoka county near Stringtown. This find has not been largely developed, but those possessing the mine say there is the indication of an abundant quantity.

Iron ore is said to be abundant in mountains in several counties; silver and tin ore are also reported to be found, but no definite prospect or search has been made.

Good building stone is abundant in all parts of the Choctaw country.

HOMES AND HABITS.—The Indian families as a rule are small. Their habits of life, modes of living, and the food consumed do not tend to large increase in population, but quite the opposite. Only a small number of very old people are found among the Indians, showing that a large per cent do not attain to old age, and as the number is shown to be reduced, the death rate must be greater than the birth rate.



The houses in which the Indians live are for the most part made of logs or of boards singly set up without plastering or sheeting, and are very open; hence the inmates are not properly protected from the severities of the everchanging climate. During my stay here there has been much sickness among the people.

I find by visiting the homes of the Choctaws that many of them are without the common comforts of life. Their food consists chiefly of corn, meat, and coffee.

Many of them are too indolent or improvident to supply themselves with vegetables. A large per cent use tobacco. A box or two, a bench, and sometimes a rude table are all the articles of furniture in many full-blood homes.

A few blankets will be seen piled in one corner of the room, from which the supply of bedding for the family is taken when retiring for the night's rest. The family sleep upon the floor.

The entire life is after the fashion of that of a camper. The half-breeds put on more of the modern style of housekeeping, and in proportion as the white blood and education predominate the people conform to the styles of civilized life. It is a lamentable fact that a large per cent of the whites crowding into this country and mixing with the Indians have no better habits of life than the Indians; hence the families are not elevated by such association, and whatever of the bad may be associated with the white man or woman is transmitted to the Indian. The higher or refined white men or women rarely marry full-blood Indians. The families of mixed blood are, as a rule, better supplied with home comforts, and a greater variety of vegetables is consumed. The full-blood Choctaw is content to live just as his ancestors lived before him. He does not seem to plan for future want. He lives for the present alone, and hence prepares not for the morrow.

In the language of a Choctaw residing in Sugar Loaf county, educated in the states, "the full-blood Indian seems to have no future, intellectually, financially, or morally. He has no plans for development. He gives no thoughts to such subjects, only as the white blood is made to course his veins. He cares but little for the education of his children, and says that education makes rascals, judging by the tricks he sees performed by the white men, who are here to take advantage of the unsophisticated Indian." My visits to the full-blood homes convince me that the pure blood Indian has made but little advancement.

There are but few indications of culture or of the fine arts in their homes, churches, or school buildings.

EMPLOYMENTS.—It is notorious that the Indian man will not work. Most of the labor performed is by the female members of the family, while the boys and men spend much of the time hunting and fishing. Many of the Indians derive an income from the proceeds of lands improved and held by them.

As to the distinctive employment of the Choctaw Indian, he has none. I have not seen an Indian (full-blood) that is a mechanic, tradesman, or laborer. A few full-blood Choctaws are lawyers, preachers, or doctors, and a small number are school teachers, but the greater per cent have no visible remunerative employment. Their living is provided under environments already detailed.

MENTAL CONDITIONS.—The Indian seems to possess a fair degree of intelligence or natural good sense, but his mind is very sluggish. He does not grasp an idea quickly. Seemingly he does not desire to take on new thoughts or inventions, but is ever reserved.

SCHOOLS.—The Choctaws have neighborhood schools, national schools, and academies, and orphan institutions where the homeless orphan children are cared for and educated, and the Choctaw government is annually paying the expenses of several young men and women in eastern colleges. They are not a reading people. Books are found in but few homes. Few full-blood Indians live in towns. They usually select an out of the way place upon some stream or spring branch for their home site, and in selecting sites for schools and public buildings they pursue the same custom.

In the erection of neighborhood school buildings the simplest styles of architecture are followed. Most of them are simply rude cabins or box houses, and everything connected with the schools is as primitive as the buildings.

In the academies and mission schools there is a much better state of affairs. The superintendent and teachers of Armstrong academy and Wheelock seminary and the Baptist and Presbyterian schools in Atoka are worthy of especial mention. I am credibly informed that the Bennington seminary and the schools of McAlester are doing equally good work. Some of these schools are for others as well as Indians. In the mention of these schools of high grade located in the Choctaw Nation I would not reflect on those not mentioned, but I only name those where information has been furnished or a personal visitation has been made. These schools are quartered in better buildings, have better furnished schoolrooms and more competent teachers than the public schools.

It is noticeable that the white children and those of mixed blood stand at the head of the classes.

While the Choctaw Nation is doing much to educate the Indian and freedman, little effort is made for the poor white children, and their parents are manifesting no interest in their education. The census rolls indicate that few white children attend school outside of the towns and villages.

HEALTH.—The Choctaw Indians, as a rule, enjoy excellent health. The women seem to be better developed in bone and muscle than the men. In the men the bone is light and the muscles are soft and flabby.

The men are not capable of as much labor and burden as the whites or blacks found here, but there is a cause for this physical condition. As has been repeatedly stated the Indian man does not develop his physical frame or harden his muscles by proper exercise and labor. The Indian women are stouter than the men. They perform at least the principal part of the manual labor performed by the Indian race. As the number of Choctaws is diminishing instead of increasing, there must be some physical cause leading to this result.

The family and individual expenditures are certainly very small, as the living is very plain and the supplies purchased are very few. A careful inquiry to obtain information on this line reveals that most Choctaw families live within their means and are not in debt, while but few, comparatively, have a surplus at the end of the year. If the income is small they live upon it. If it is large it is mostly consumed. The Choctaw lives for the present, and this is true as it relates to the husbanding of his private means.

PROGRESS.—The appearance and dress of the Choctaws are reasonably fair. As a rule the Indians are better clothed than the white families from Arkansas and Texas now living in the nation.

The Indian men dress in better style than the women. The men purchase ready-made clothing, while the women manufacture theirs from gingham and calico, all in very plain style.

Few women are seen wearing hats or bonnets; they are usually bareheaded or have a handkerchief of gaudy colors tied about the head. It is very common to see them in town, on the clear warm days of summer, bareheaded.

The landed improvements and buildings show but slight indication of progress. Perhaps I can not do better than copy an extract from a letter written by an educated Choctaw in answer to some inquiries propounded by myself:

My native home and the early part of my life having been in this country and among this people, under any other circumstances, I would not say so plainly what I must now say about the Indians; but I feel it my duty to write the truth, and whatever I may tell you I leave to your judgment to decide upon its merits.

During this past week a fact has begun to disclose itself which I fear will not be hidden from a keen observer, that the full-blood Indian is almost on a standstill. His progress in civilization is slow. He is too careless. Nothing in art, literature, or science has any attraction for him. No ambition ever arouses him to honorable achievements. Consequently the man is a slave to the animal part of his nature.

In another letter the same writer says:

I notice this week many families where men of the full-blood had married white women as wives, and I am inclined to think they might have benefited themselves very much if the women had possessed morals and intelligence, but they have been imposed upon by the most degraded types, and none but a race of desperate half-breeds is the result.

The writer goes on to say:

The Indians are kept down so low on account of the very meanest people coming here from the adjoining states and mingling with them. Some, it is true, are very nice people, honest and industrious, just such persons as are needed to assist to elevate the Indian, but the majority that come in contact with the Indian, being ignorant and indolent, pull them down and cause them to give way to their baser passions. I will say no more at this time, as it irritates me every time I think of it.

The statements as made by this writer have been in substance repeated over and over by both whites and Indians with whom I have conversed during my stay in this nation.

The following details were gathered through one of the enumerators:

The twin towns of McAlester and Krebs, which cover an area of about 5 miles by 1 mile, or 5 square miles, form a coal mining community with a mixed population.

There are 7 large mercantile establishments carrying large stocks of general merchandise, with about 22 minor establishments of like nature, 3 large livery stables, 4 large hotels, 11 restaurants, 1 weekly newspaper, 4 butcheries, 1 large flouring mill, and 1 grist mill, 2 Baptist churches, 2 Methodist, 1 Catholic, 2 Presbyterian, and 1 Union church, and 6 flourishing schools. The town of South McAlester, with an area of about 400 acres, a railroad town, is the headquarters of the Choctaw Coal and Railway Company, with roundhouse and general offices, has 3 large hotels, 3 large mercantile houses, 4 small ones, 1 planing mill and appurtenances, 1 good church and schoolhouse, and the branch federal court. The town of Alderson, a mining town, has 2 hotels and 1 large store, with a thrifty, busy people. The town of No. 12 has 1 hotel, the mines just opened. The town of South Canadian is in a farming country on the Canadian river, with 2 good schools, 1 good hotel, 3 cotton gins, and 5 large general stores.

Savanna is a mining town with 1 hotel. Over this region the people are generally in a prosperous condition, contented, except the dissatisfaction regarding the Choctaw Coal and Railway Company and the federal courts. The chief industries in this country are coal mining, cotton and corn farming and stock raising. There are many herds of from 200 to 2,000 cattle, with many farms with 100 to 500 acres in cultivation, clear of debt, and if we can possibly keep the laws of the United States from extending over us we will never be cursed with the mortgage of grasping capitalists. We are capable of self government and only ask to be let alone, and will work out the problem of civilization by education. There is a belt of coal of fine quality, about 6 miles wide, running across the country for about 40 miles from east to west.

The locality described is the coal field of the nation and but few Indians are living there, and most of the property is owned and held by squawmen and others with but little Indian blood in their veins.

As seen by your special agent in the country lying out from the towns and distant from railroad stations, there are but few Indians and a good many noncitizens, but the noncitizens are as a general thing in very bad condition.

They have each a few head of hogs and a gun to hunt with; they live principally on bread and milk, and sometimes they kill game; they do not seem to want anything else. Their children are barefooted and very nearly naked. There are some pretty tough cases hauling lumber for a living.

RELIGION.—The Baptists, Presbyterians, and Methodists each have mission churches and schools in the Choctaw country. Services are conducted in the English and Choctaw tongues. The negroes have both Methodist and Baptist churches.

MORALS.—The morals of the Choctaw Indians and negroes will compare favorably with those of any people of their intelligence. Many of the whites in the mining districts and lumber camps and the farmers scattered through here have but little regard for the moral law, and show but little refinement. A large per cent of the whites in the Choctaw country may be regarded as illiterate, roving, ragged, and profligate. They are content to live in wagons, tents, huts, and cabins, and are possessed of but few comforts, and seem totally indifferent to the education of their children. Hardly one-fifth of the white children of suitable age were in attendance at school during the past year.

The United States government should prohibit the settlement of these families in this nation or arrange a plan for the compulsory attendance of the children in school some part of the year.

The negroes seem to be doing as well as those of their race living in the adjoining states. The negro children are provided with school privileges equal to the Indian children in the neighborhood schools, and they are taking advantage of their opportunities.

THE CREEK OR MUSKOGEE NATION.

BY WILLIAM H. WARD, SPECIAL AGENT.

The country owned and occupied by the Creek or Muskogee Nation of Indians, and confirmed to them by United States patent, is rich in natural resources for farming, herding, mining, and timber. There are no arid lands in the Creek Nation. The Cimarron river crosses the northeast corner and the Verdigris and Arkansas rivers traverse the northeast corner. Both the Deep fork and the North fork of the Canadian river flow eastwardly across the nation and empty into the Canadian river proper east of Eufaula, while the South Canadian river forms the southern boundary of the nation. These are all considerable streams with broad valleys, and with their many tributaries they afford an abundant water supply for the nation. Prior to the advent of the Missouri, Kansas, and Texas railway the rivers were used as means of transportation. Of the 3,040,495 acres comprising the lands of the Creek Nation about 70 per cent is tillable, the balance, comprising hills, generally of lime or sandstone formation, covered with timber. Deep belts of timber also grow along the streams, consisting of hickory, ash, pecan, oak, maple, walnut, elm, cottonwood, sycamore, and other varieties. The prairies are covered with nutritious grasses, affording excellent range for stock. Of the many thousands of acres of good farming lands but a portion is utilized. Rich deposits of coal and iron are known to exist and specimens of lead ore have been found in different localities, but mining for minerals other than coal is prohibited. The climate is salubrious. The soil is generally of a rich sand loam susceptible of high cultivation, and it responds readily to the efforts of the husbandman.

Under the most favorable circumstances the sparsely settled condition of the country would have rendered the work of enumeration necessarily slow, but no sooner had the enumerators entered upon their work than in some localities the utmost indifference, and at times positive opposition was encountered from the Indians, growing out of political dissensions, jealousies, and suspicions that the rights, tribal relations, and so-called national sovereignty were in some way to be compromised. At a public meeting held at Eufaula courthouse early in August speakers advised the people to refuse to answer interrogatories or to furnish information to enumerators, assuring their hearers it was a scheme fraught with evil to the Indian and meant opening the country to white settlement, loss of domain, and taxation. This spirit was in turn re-echoed by town or clan chiefs and other local officials to such an extent as not only seriously to impede the work but also to cause several enumerators to resign their positions. So general was this sentiment among the people that on October 12, 1890, Hon. L. C. Perryman, principal chief, sent a message to the Creek council, then in session in Okmulgee, calling their attention thereto, and recommending such legislative action as would assist the enumerators in the discharge of their duties.

Thereupon the council passed the following concurrent resolution:

Resolved by the house of kings and the house of warriors of the Muskogee Nation in council assembled, That the Muskogee people be, and they are hereby, requested to assist the census enumerators of the United States government in taking a census of the Creek Nation, by promptly answering such questions and furnishing such information as may be required by said enumerators in the discharge of their duties.

All the enumerators were promptly notified of this action of the council, and the press also published the proceedings in full, but, owing to the small number of newspapers published in the Creek Nation and limited mail facilities, the process of disseminating information was necessarily slow, and it was not until November 1 that the action of the council became generally known, and the opposition to the census practically ceased, though a number were still recalcitrant.

CONDITION.—The Creek Indians are classed as one of The Five Civilized Tribes of the Indian territory. They have long since discarded the blanket and most habits and customs of wild Indians for the raiment and, in a measure, the ways of civilization. Something remains, however, of their former habits and superstitions.

The condition of these Indians bears evidence of marked improvement since the close of the civil war, and while many appear to accept civilization under protest, having little ambition except to be Indians, and view with distrust any suggestion looking to the development of the natural resources of their country and the elevation of their moral and social condition, there is a large element of refined and intelligent people whose influence with the less cultured classes is everywhere manifest and who exercise a most wholesome influence in the management of public affairs.

With the former class, however, many of the superstitions, customs, and habits of uncivilized Indians are still

in vogue, presenting at once an odd commingling of civilization and barbarism. While many are professed christians, frequently with an ardor seldom witnessed elsewhere, yet the influence of the medicine man is still an important factor, transpiring in most unexpected places.

There are no titles in fee simple to realty in the Creek Nation. Under their laws all lands are held in common, and members of the tribe are entitled to as much land as they may fence in and utilize, not exceeding 1 mile square in a single inclosure. The effects of this system are pernicious. Under it the opulent and enterprising Indians and intermarried noncitizens are enabled to inclose large tracts of the best lands and reap the benefits thereof at a trifling expense, paying no taxes or contributions in any manner to the support of the nation and its institutions.

These Indians are a people of contrasts. Perhaps in no other tribe are they so sharply drawn. Among those constituting the nation proper many shades and complexions are represented from the Caucasian to the full-blood Indian and negro.

In the terms of the treaty of 1866 the former slaves of these Indians were adopted into the tribe as citizens, and thereby became, to all intents and purposes, Indians. These people, numbering several thousand, have not only demonstrated their adaptability to citizenship but by industry and thrift they have kept pace with their former masters in the march to civilization, prosperity, and wealth. They constitute a material portion of the progressive element of the nation, take an active interest in education, and their social and economic condition compares favorably with the Indians, with whom many are associated by ties of consanguinity.

EMPLOYMENT.—There are no manufacturing industries in the Creek Nation conducted by Indians save a few cotton gins, and these are principally managed by white labor, and, with isolated exceptions, it does not appear that they have ever manifested an adaptability to mechanic arts. Their women manufacture a few articles in the nature of domestic utensils, such as baskets for gathering grain and sifters for cleaning corn, made from cane splinters, earthen pots, pans, and wooden spoons; but they are very crude, having no variety of fashion, no handles or covers, and they betray a great want of invention. With the advent of the white trader even these have almost become obsolete and are very scarce. The occupation of the Indian is principally stock raising and agricultural pursuits, to which their lands are admirably adapted.

Some of the more enterprising have large ranches and farms, which are generally leased to white men or freedmen. The wants of the average Indian are few and they are easily supplied. With a few head of stock, which graze at will on the prairies, a few acres of corn to keep him in "sofkey" (Indian hominy) until the next annual "busk", green corn dance (when, having conformed to the mystic ceremonies, he is again permitted by the medicine man to eat green corn), a log house of 1 or 2 rooms to shelter him and his family from the weather, he is content.

The educated Indians engage in such pursuits as are best suited to their circumscribed surroundings, and are successful or not in proportion as civilized or uncivilized ways and tastes predominate. Those who have means live in good houses and enjoy the comforts of civilized life, are courteous, social, and hospitable in their intercourse with strangers; yet beneath it all exists a pride of lineage and zealous admiration for the peculiar institutions of their people.

DECREASE.—That these Indians are decreasing in number can hardly be gainsaid. Historical reference to these people places their numbers in 1827 at 20,000. (a) In 1890 an official census, taken under authority of the Creek council, and which included adopted freedmen, is 14,800. While it is true that some Creek Indians are still residing in the states of Georgia and Alabama and others are scattered through Mississippi, Louisiana, and Texas, they can not be much in excess of the number of adopted freedmen included in the census above referred to, showing a decrease of over 5,000 in 63 years.

As their sanitary condition seems fairly good, and I am informed that no fatal epidemics have prevailed among them for many years, what diseases appear being traceable directly or indirectly to hereditary causes, we are led to the conclusion that change of altitude and climate from the warm timbered regions of Georgia and Alabama to the prairies of the Indian territory, losses because of the civil war, during which their country was depopulated and laid waste and the people driven to the states for refuge, and also too implicit confidence in the skill of the ignorant medicine man by those who still adhere to their traditional superstitions and customs, have been the main causes contributing to the decrease.

GOVERNMENT.—The old traditional government of the Creek Nation has been gradually changing, as the people progressed in civilization, ever since they first came in direct contact with the whites, though just when radical changes took place can not now be ascertained.

It is said by some of them that the late civil war, though very disastrous to them, was in a sense a great civilizer; for, being compelled to migrate to the states for safety, they learned while there to appreciate the value of republican institutions, which bore fruit soon after the northern and southern Creeks were reunited at the close of the war.

The present republican form of government was instituted in 1867. It is patterned after the governments of the several states. Prior to that time the Creeks had few, if any, written laws, and were governed by a system of military chieftainship.

The constitution is a model of simplicity and conciseness. The officers are elected by the people and hold their respective positions for the term of 4 years.

EXECUTIVE.—The executive department consists of a principal chief, a governor, a second chief, an auditor, a treasurer, and a superintendent of public instruction.

LEGISLATIVE.—The law making power is vested in the council, the upper house of which is styled the house of kings, and consists of 48 members. The lower house is called the house of warriors, and consists of 98 members. The pay of the members is \$4 per day and 25 cents per mile in going to and returning from sessions of the council. They meet annually, and there is no constitutional limitation to length of sessions. The proceedings are first transacted in English and then translated into the Muskogee language.

The system of clanship, in which the most influential becomes chief with little regard to inheritance, is among the customs that still prevail among these Indians. Aside from their national affairs they retain more of the government by hereditary chieftainship than any other of The Five Civilized Tribes, except it be the Seminoles. There are 48 of these clans or towns, and they have been the basis of the present form of government, the house of kings being composed of 1 representative from each town, and the house of warriors of 1 representative from each town and an additional representative for each 200 persons belonging thereto, all of whom are elected by the people. There is no secretary of the nation or officer who officiates in that capacity, and few, if any, records are kept except in the offices of the auditor and treasurer.

JUDICIAL.—The judicial system consists of a supreme court of 5 members and 6 district judges, who hold court in their respective districts twice a year.

Very little attention is paid to keeping records of proceedings. Many incidents are recited of decisions rendered in these courts years ago, involving important interests, of which no record appears, and the matters at issue are virtually in as unsettled a condition now as at any time prior to adjudication.

Recently, however, there has been a decided improvement in the matter of court records, and in some places more attention is being paid to preserving registry of judicial proceedings than in former years.

The capital is located at Okmulgee, a small village near the center of the nation, about 40 miles southwest of Muskogee. The capital building is a very creditable stone structure 2 stories in height. It was built several years ago at a cost of \$18,000.

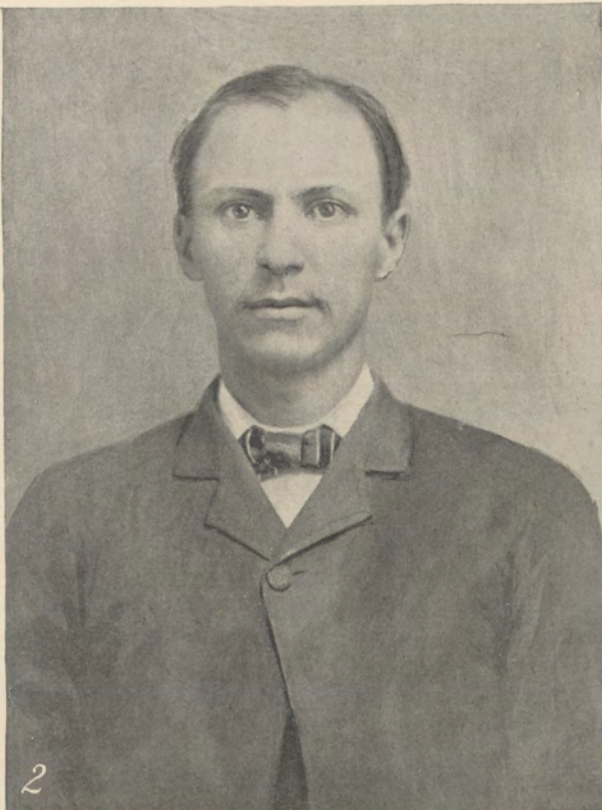
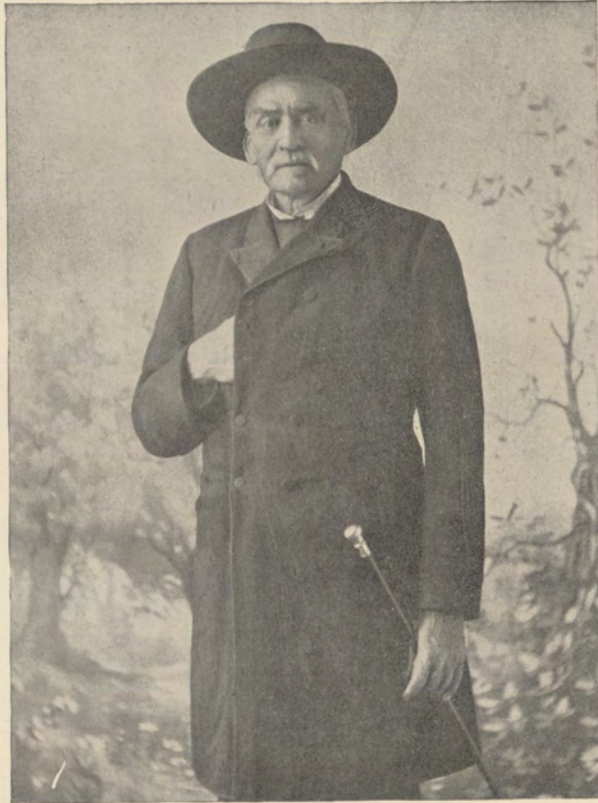
The whipping post and death by shooting are the favorite modes of punishment for criminal offenses. But one grade of larceny is known to the Creek code, the penalty being 50 lashes on the bare back for the first offense, 100 lashes for the second offense, and death by shooting for the third. As the pardoning power is vested in the principal chief, but few executions have taken place under this law.

With the exception of the United States prison at Muskogee there are no jails in the Creek Nation, offenders under arrest being guarded by the officers (light horsemen) until trial, when, if convicted, execution of sentence usually takes place at once.

An anomalous provision of Creek law permits any citizen to obstruct a public highway, provided another is opened as near as practicable to the one obstructed. Under this law an Indian recently attempted to appropriate and fence up one of the principal business streets of the town of Muskogee (population about 1,200), and was only prevented from so doing by the interposition of the United States Indian agent. In this connection it is proper to state that there are no laws relating to municipal government in the Creek Nation, and all efforts to secure such legislation have signally failed.

APPEARANCE OF THE PEOPLE.—They are usually of good size, athletic, and well proportioned. The women are also of good stature, but among the full-bloods not particularly prepossessing, being as a rule coarse featured and inclined to masculinity, with no attraction to excite admiration. Both sexes dress in civilized attire, but exhibit an infatuation for display of high colors, regardless of combination or effect. Polygamy is practiced to a limited extent, but not so much as in former years. The Indian race is improved by intermarriage with others. Among the mixed bloods the men are not only well formed, intelligent, and sagacious, but the women also are of good figure, comely, and sensible. They are generally well informed, dress becomingly, possess a high order of morality, and display neatness and taste in management of domestic affairs. The common food of these Indians is "sofkey", a sort of hominy. It is mixed with a small quantity of strong lye and boiled until the corn becomes tender and the whole of a consistency of a thick soup. The lye gives it a tart flavor and preserves it from souring. They keep it standing in large pots or pans at all times ready for use, and no Indian's bill of fare is complete without it.

AGENCY BUILDINGS.—Union agency, the United States agency for the Cherokees, Chickasaws, Choctaws, Creeks,



No. 1. G. W. Stidham, Chief Justice, Creek, One Quarter Blood. No. 2. Albert Pike McKillop, Ex. Secretary Creek Nation, Muskogee.
No. 3. Old Martin Nance or Nancey. A Creek Slave, Born, 1803.



1. Hon. L. C. Perryman, Principal Chief Creek Nation. 2. Mrs. Apaye Perryman. Master Andrew Perryman. Master Henry Perryman, Family of Hon. L. C. Perryman, Principal Chief Creek Nation. 3. Creek Indian and Wife, Full Blood. 4. Three Chiefs, Muscogee or Creek Indians. The centre Chief is Efa-l-ma-Eu, a Town Chief—Arbeka Town—and a Full Blood Creek.

and Seminoles, is located at Muskogee, Creek Nation. The old Creek agency buildings are situated 3 miles west of Muskogee on a fine elevation, but have not been used for agency purposes since the consolidation of The Five Civilized Tribes into one agency.

Some years ago permission was obtained from the Department of the Interior for a private individual to occupy these buildings free of rent for educational purposes, and since there has been conducted therein what is styled the Evangel Mission and Manual Labor School for Freedmen. The industries taught are herding stock and hauling wood for boys and sewing and housework for girls. The buildings, originally intended as a residence for the agent and employes, are ill adapted for school purposes. They are in a dilapidated condition.

CROPS.—Corn, cotton, and oats are the principal crops raised, but experiments with wheat, barley, flax, and other products have demonstrated the adaptability of climate and soil to their successful culture. Fruits and vegetables of all kinds adapted to this climate are successfully cultivated, though little effort is made to propagate them except for home consumption.

RAILROADS.—The Missouri, Kansas, and Texas railway traverses the Creek Nation from north to south near the eastern boundary, and the Arkansas valley road (Missouri Pacific) runs across the northeast corner. The St. Louis and San Francisco railway extends into the nation from a point near Sandtown to its present terminus at Supulpa. The Choctaw Coal and Railroad Company has also under contract an extension of its line westward from McAlester in the Choctaw Nation, which is surveyed to cross the Canadian river and enter the Creek Nation at a point near the ninety-sixth meridian and run westward through the Seminole Nation to Fort Reno. Muskogee, the largest village in the nation, is the seat of the United States court for the Indian territory and of Union agency of The Five Civilized Tribes. It is a place of about 1,200 people, has 3 newspapers, a national bank, and the only steam flouring mill in the territory, and a planing mill, besides other extensive business enterprises. It is the end of 2 divisions of the Missouri, Kansas, and Texas railway, and reputed the most important business center in the Indian territory. It is well supplied with churches, and the several educational institutions located here afford excellent school facilities for all classes.

NEWSPAPERS.—There are but 4 newspapers published in the Creek Nation. Besides these, newspapers from other parts of the territory and the states have a very general circulation among the reading portion of these communities, and are valuable aids in disseminating progressive ideas.

CITIZENSHIP.—The Creek Indians regard intermarried noncitizens as aliens and beyond the pale of their jurisdiction, but allow them the rights and privileges enjoyed by other citizens except participation in lands. Adopted citizens are vested with the same rights as native born Indians.

Under their old régime citizenship was entailed to the issue of the mothers of Creek blood, but with the change of government this custom was abolished.

TEMPERANCE.—As a people, the Indians are as temperate and sober as an average community in the states. Some indulge in alcoholic drinks when they can get them, and almost any decoction containing alcohol is readily drunk as a beverage. While stringent laws, both federal and local, prohibit its importation into the territory, inordinate greed for gain influences the vicious to risk the penalties, for the sake of a few dollars, by smuggling liquor through the lines from surrounding states.

TRADITIONS AND LEGENDS.—The origin of the Creek Nation, like that of similar tribes, is shrouded in mystery. They have a tradition, which is generally believed among them, that they are descendants of a once powerful nation which inhabited a country many days' journey to the west, and, being defeated in battle by a foreign invader, a fragment of them found their way eastward. They traveled in bands a day's journey apart, each band camping at night at the same place as the one that preceded it, and from this circumstance certain towns have ever since been recognized as "towns belonging to the same fire", between which a bond of fraternity has always been religiously maintained. It is considered unlawful for members of these towns to play ball or engage in any contest for superiority of powers or skill as against each other. Many educated Indians associate this legend with the overthrow of the Aztecs by the Spaniards in 1520, and claim that, as the Creeks never used wigwams or tepees, but lived in towns and built log houses, they are descendants of a race superior to other tribes. They finally settled in the vicinity of the Appalachian tribes of Florida, by whom they were cordially received, and were styled Seminoles, or wanderers. They maintained friendly relations with their Appalachian neighbors for many years, until, becoming so strong and powerful as to excite their jealousy, wars ensued, and finally the Seminoles became masters of the country. Subsequently a portion seceded, emigrated northward, and established themselves as an independent tribe on the Okmulgee and other rivers, in what is now the state of Georgia. The Tuccambatchees and other bands soon followed, joined the seceders, and thus the foundation of the Creek confederation was laid. In time they spread themselves over a large extent of country and penetrated westward to the main branches of the Alabama river, where they encountered the Alabama Indians, whom they conquered, and who were incorporated into the Creek Nation.

The Creeks became famed for their powers in war, and because of a habit of locating settlements along the streams they were distinguished from their ancestors (the Seminoles) by the name of Creeks, or Muskogeese. They subsequently subdued the Coosadas and Hitchetees. The Uchees, a powerful tribe to the northward, were conquered and enslaved, though afterward released from bondage and raised to citizenship. The Natchez and Suwanees were voluntary acquisitions. It appears to have been their custom to accord equal liberty and protection to conquered tribes as well as those vanquished by others, and in this way their numbers increased faster by acquisition of foreign subjects than by natural increase of the original stock.

The remnants of 6 of these different tribes are found in the Creek Nation to-day, some of whom have oral traditions that their ancestors came from South America. Of this element the Uchees have preserved their individuality to a greater degree than any others. They occupy a section of country apart from the other Creeks; as a rule do not intermarry with them and do not speak the Muskogee language. They number about 500, and are less civilized than the other Creeks.

In former times the Creeks, like some other tribes, believed that the human race had its origin in the animal creation, and many of the untutored still adhere to that superstition.

Their bands are named after certain animals, as Wolf band, Bear band, Dog band, and each band is supposed to regard the particular animal whose name it bears with much veneration. They regard the rabbit as possessing superior intelligence and as being the funny man, or, as one expressed it, the "Smart Alec" of the animal kingdom.

They regarded an eclipse as the act of a large animal, resembling a frog, endeavoring to eat a piece from the moon or sun, and on such occasions would assemble with arms and tomtoms, fire off their guns, and raise every possible commotion and noise for the purpose of frightening the animal away, and thus preserve the equilibrium of day and night.

THE BUSK.—The ceremony of the busk, green corn dance, is one of the traditional institutions still maintained by these Indians, which all join in celebrating.

It is the annual offering of the first fruits of the harvest, and is always celebrated at the time when the corn is ripened enough for food and the medicine plant, snake root, has reached perfection. The ceremony begins on the morning of the day previously designated by the headmen of the town where the busk is celebrated, and usually continues 4 days.

The people assemble in gala attire, and at daybreak the principal medicine man, clad in full regalia of his office, repairs to the square and proceeds with much labor to kindle a new fire by the friction of 2 dry sticks, after which a young man enters from each corner of the square, bearing a stick of wood for the new fire, which they approach with much reverence, placing the ends to the fire in a manner corresponding to the points of the compass.

The fire being sufficiently kindled, 4 other young men enter in a like manner, each bearing an ear of green corn, which the medicine man also places with much reverence upon the fire. After it is consumed, 4 gaily dressed men enter, each bearing some new snake root, a portion of which the medicine man likewise consigns to the flames, the balance being at once cooked for use.

During these formalities the medicine man is continually muttering some unintelligible jargon, which the superstitious believe is a communication with the Great Spirit. This ceremony over, the faithful assembled around the square proceed to indulge in potions of a decoction of snake root, which to a civilized stomach is both an emetic and a cathartic.

The new fire is then distributed among the people outside the square for general use, and women are permitted to take it to their houses and camps, which have been gaily decorated for its reception, all the old fire having been previously extinguished and ashes carefully swept away to make room for the new.

During this time the men keep inside the square, and no woman is permitted to enter it.

The second and third days are devoted to fasting, drinking medicine, sleeping, or such amusements as the votaries may elect. All this time, while the men are physicking, the women are bathing, and it is unlawful for any man to touch one of them even with the tip of his finger. Both sexes rigidly abstain from food and sustenance of any kind, and to eat salt is blasphemy. On the fourth day all of the people assemble inside the square, men, women, and children promiscuously, and the day is devoted to conviviality.

Large quantities of green corn and other provisions are collected and cooked by the women over the new fire. An ox is barbecued and given to the public.

In the interior of the square what but a few hours before was considered consecrated ground is now covered with cooking utensils of every description, quantities of cooked provisions, and fruits, of which all partake in general festivity. All provisions that remain are considered perquisites to the medicine man.

A game of ball (*a*) is usually one of the features on this day. The evening is spent in dancing around the new fire or in other amusements, and the "busk" is ended.

a CREEK BALL PLAY.—The following sketch is from the Eufaula Journal, Eufaula, Creek Nation, June 4, 1893:

The game is played with 2 sticks, about 30 inches long, to each player. The Indian goes to the wood and there finds a white hickory sapling that is straight and smooth, which is about 3 inches in diameter and about 7 feet long. He splits this stick open in the center and then shaves it off smoothly with a drawing

FISH FRY.—Among the Creeks and Seminoles, and I understand among other tribes of the southwest, is practiced a ceremony called the "fish fry". (a)

In the summer season when the streams are low and the fish congregate in pools or deep places, a day is set for a grand fish fry to take place at a certain stream designated, in which all are invited to participate.

Under the direction of the medicine man they gather the root of a weed known as "Devil's shoestring" (*Tephrosia virginiana* Pers.), which, on the morning of the day designated, is pulverized and thrown into the stream at the upper end of the pool, and stirred about with long poles.

The fishermen then lay their bows and arrows in a row upon the ground, where they are anointed by the medicine man by sprinkling with a red stain or paint, after which they go into the stream where the fish, having become stupefied by the strong pungent odor of the weed, float upon the surface of the water and are killed with bows and arrows in large numbers.

The fish are then taken to camp where the women clean and cook sufficient for a grand fish dinner, in which all participate, and the balance are taken home.

BELIEFS.—The traditional beliefs of these Indians were diversified consequent upon the many different elements originally comprised in the Creek confederation, and when questioned about these things they become thoughtful and taciturn, or abjure them altogether, skepticism prevailing in proportion as they progress in civilization. Their mythical belief was in a good and a bad spirit who were supposed to inhabit distant unknown regions. The former dwelt where the climate was eternal summer, the corn crops a perpetual harvest, streams of pure water flowed forever, and game was plenty. The latter dwelt in a dismal cavern or swamp where cold, disease, famine, and all the ills that flesh is heir to reigned supreme. They believed that all the evils that happened to them were through the agency of this bad spirit, and that to secure the good influence of the good spirit and propitiate the bad spirit were necessary to success in all undertakings.

Their ancestors also believed in the existence of two worlds: the upper one, being a great island which they inhabited, was supported on the back of a mammoth turtle; the lower was in the dark recesses of the great deep and inhabited by huge monsters with whom the Indians were forbidden to hold intercourse, but of these things only vague and uncertain traditions remain.

RELIGION.—Under the influence of missionary teaching the Indian mind has been gradually led to a general conception of the true God, and in matters of faith the tendency of his mind is toward christianity.

The several religious denominations among them appear to be in a prosperous condition and have schools or missions located in different parts of the nation, which are doing good work and are well attended.

It is safe to say that about 33 per cent of the whole number of these people located here have abandoned their old superstitions and religious rites and embraced christianity in some form.

knife until it is about one-sixth of an inch in thickness. Then he doubles it back and shaves the parts lapping until it is a water joint. Where the pieces lap the Indian leaves what might be called a cup in the end of the stick that is about 2 inches in width and 5 inches long, as a receptacle for the ball. Then he shaves the handles round or square just to suit the owner of the sticks. Small holes are bored at each side of the cup, and in these holes are put dressed buckskin strings, which keep the ball from going through the sticks when caught by the player. The handles are wrapped in places with buckskin strings to keep the cup or bowl in shape. The sticks are then seasoned under shelter so that they will not crack under the heat of the sun, after which they are oiled with deer tallow, kept for that purpose, which makes them very tough. The player has a coon or panther tail or some other ornament, according as he is clanned. If he belongs to the Tiger clan he wears a panther or wildcat tail. The Creeks are very clannish, each town clanning together. These towns contract to play ball against each other. When a game is matched they meet at some convenient place on the evening before the game is to be played. The night is spent in singing, dancing, and drinking medicine, as the medicine man directs. Next morning the players are counted and marched up to the grounds, where they are ordered to strip off their clothes and get in readiness. After they have stripped and used the medicine no one is allowed to go near them, as it is claimed it has a bad effect on them and they will not be as active as the medicine man desires. Then they paint themselves and march up to the ball poles, which are about 20 feet long. The poles are stuck in the ground about 4 feet apart, with a bar across. Each town has a set and the sets are about 200 yards apart. The contestants meet and lay down their ball sticks on the prairie. The sticks are then counted so there will be no advantage taken by either side. When the members are all ready some old warrior steps in the center and makes a rousing speech, which is followed by one of his opponents. These speeches are made to encourage the players. When the speakers are through the ball is thrown about 20 feet high out in the center of the grounds. The players in what is called the middle ground are not supposed to catch the ball, but let certain players known to their respective sides catch it. Then it is that the performance becomes exciting. After the ball gets into the air every player is on his muscle and grit, and is as eager for it as if his life depended on it in order to throw the ball through the poles.

The grounds of these ball games are divided into 3 sections, namely, middle, second, and back grounds. The fleetest players are stationed in the back grounds so they can carry the ball back to their own poles. The tallest players are put in the middle grounds. After the ball has been thrown through one or the other set of poles it is brought back to the middle of the grounds for another round. It is not counted until it has been thrown through the poles, which very often takes an hour to do when the players are closely matched. The players have laws against handling the ball, the other side refusing to count anything their opponents make when the ball is touched with the hands, as they are supposed to catch and throw it altogether with their sticks. A ball is not allowed to touch the ground in the play. Two judges, one from each town, count the balls thrown through the poles. They sit together in a place prepared for them and settle all disputes that arise. Each one has 20 little sharpened pegs about 3 inches long, and when a ball is thrown through the poles by one of the contestants the judge belonging to that side reports to the other that his side is entitled to one peg, and with the permission of his opponent he sticks a peg in the ground, keeping this up until the 20 pegs are used. The judges are very watchful of each other so as not to be cheated or make any mistakes.

Generally the games are very rough, players sometimes breaking an arm, leg, or skull, and in one instance, several years ago, 4 men were killed outright. Visitors come as far as 50 miles and from every direction to see the game.

a Special Agent Julian Scott, writing from Atoka in October, 1891, speaks of a similar custom among the Choctaws. He says: From 50 to 500 at a time take part. They provide themselves with long poles and lines. They use no hooks. They gather large quantities of a root called the Devil's shoestring, which is tied up into small bundles a foot and a half long, bound in the middle, and the ends pounded into a juicy pulp. The mop-like looking bundles are attached to the poles and long lines and are slashed through the water. The men array themselves on both sides of the stream and "work" down. Almost immediately fish of every kind that frequent these waters, little and big, begin to appear at the surface, their bellies upward, and all apparently dead. They are lifted out and put into baskets, and in this way many hundreds of bushels are caught each year. Some complaints were made this year by men who claimed that their cattle had been poisoned by drinking the water thus tainted by the fishermen, but the flesh of the fish does not seem to be injured at all.

MISSIONS.—The Presbyterian, Baptist, Methodist Episcopal, Methodist Episcopal, South, and several other churches are represented in the missionary work in the Creek Nation by able, conscientious workers to whose zealous efforts in behalf of the moral and religious training of these Indians is largely due the progress made in christian civilization.

With christianity comes cleanliness, the tidy home, domestic felicity, and sacredness of the marriage contract. It clothes the idle and vicious with the air of purity and habits of industry and establishes on the margin of superstition and ignorance, knowledge, morality, and desire for higher, nobler, and purer things.

ADMINISTRATION OF JUSTICE.—The jurisdiction of the United States court for the Indian territory at Muskogee extends only to misdemeanors, and the people of the Creek and Seminole countries are often called away a hundred miles farther to attend criminal trials for felonies at Fort Smith, Ark.

There appears no good reason why full jurisdiction should not be conferred upon the Muskogee court to try all causes where one or both parties are citizens of the United States. Great inconvenience to people attending a tribunal so far from home would be avoided, and great expense to the United States in mileage of officers, prisoners, and witnesses would be saved. The law should be amended, making the appointment of notaries public by the judge compulsory, except for cause; the number of commissioners should be increased under proper restrictions, and an officer of the court should be ineligible to any other office.

The court should be vested with jurisdiction in divorce cases and the granting of alimony and custody of children; it should also be clothed with probate powers, or some provisions made by which could be settled the estates of noncitizens who die in this country.

Provision should also be made for the right of appeal from the Indian courts to the federal courts under regulations and conditions consistent with the autonomy of the Indian governments.

ALLOTMENT OF LANDS.—The prevailing sentiment expressed by these Indians is decidedly adverse to the allotment of their lands in severalty, or even to having them surveyed, which they construe as a step in the same direction, and while a very considerable number favor such a change, they are so hopelessly in the minority and the question itself is so very unpopular that one hears but little in its favor, and that in a very guarded manner. Many of the leading spirits, however, recognize that the time is not far distant when their people will have to face the issue and that their present system of tribal autonomy will have to give way to something more in keeping with the civilization of the age, and they are preparing themselves accordingly. They comprehend that with the Indian as with the white man competence emanates from industry and ownership of soil, but they are reluctant to risk the uncertainty of the movement for fear of jeopardizing interests or popularity. One element of opposition comes from those who have personal interests at stake or are making money out of the present condition of their people. Ownership in common is the traditional custom handed down by their forefathers, from which it would be a sacrilege to depart. The greatest opposition arises from fear that a division of their lands in severalty means dismemberment of tribal relations, prejudices in favor of their traditional customs being deep seated.

Intermarriage with other races is gradually decreasing the interest of the full-blood Indian in his lands, and the relation of the noncitizen and adopted freedman increases correspondingly, bringing with it more enterprise, new energies, and instituting a condition of surroundings incompatible with Indian ideas and customs. The advent of railways and other enterprises has introduced a large class of noncitizens who, with their families, are using the lands often more extensively than the Indians themselves. These changes are often commented on by the Indians. The United States should see to the allotment of the Creek lands, and that all who are entitled to it receive a portion.

THE SEMINOLE NATION.

BY WILLIAM H. WARD, SPECIAL AGENT.

The lands of the Seminole Nation lie in a body rectangular in shape and between the north fork and main Canadian river and the Creek Nation and Pottowatomie Indian reservation, being about 35 miles long from north to south and 10 miles wide, containing about 586 square miles, or 375,000 acres, unsurveyed.

The land is hilly and broken, and generally covered with timber of blackjack and post oak varieties, except along the streams, where walnut, pecan, maple, ash, hickory, and other varieties abound. There are no arid lands, though on the uplands the soil is thin and fit only for grazing purposes; in the valleys it is rich, deep, and susceptible of a high state of cultivation.

The north fork and main Canadian on the north and south boundaries, Little river and Wewoka creek running through it in a southeasterly course, furnish the water supply of the country. The first two are considerable streams with broad valleys; the latter are small with narrow valleys and limited flow of water.

There are no railroads intersecting the country at this time, though the Choctaw Coal and Railway Company's road is under contract to be built from McAlester, in the Choctaw Nation, westward to El Reno, Oklahoma, and it will cross the Seminole Nation.

The only present means of transportation is by wagon roads along the Canadian rivers, and by a central mail route to Eufaula, on the Missouri, Kansas, and Texas railway, in the Creek Nation; distance 65 miles.

OCCUPATION.—The Seminoles are mostly engaged in farming and stock raising, but there are no data to show that they have ever raised a surplus of anything for exportation. Within the past two years many have given their attention to horticulture and young orchards are numerous.

They are generally poor, live in small log houses, frequently with earth floors and without windows. The women labor in the fields with the men, and as a rule do most of the farm work.

CONDITION.—The Seminoles are the least civilized of The Five Civilized Tribes. Some of the educated men, however, are exceptionally bright.

They are said to be the original stock from which the Creek confederation was formed. They resemble the Creeks in appearance, speaking substantially the same language, and possessing similar habits, customs, laws, and traditions.

The men are well formed and good looking; the women, aside from the educated class, which is small, are coarse, thick necked, slovenly, and unattractive.

There are but few white people among them, but the negroes constitute a very considerable portion of the nation, with whom many Indians are intermarried.

The adopted freedmen are the most progressive, and here, as in the Creek Nation, they enjoy every right of native born Indians; some of them are quite wealthy, dress well, take an active interest in education, and in advancing the moral and social condition of their people.

During the civil war many Seminoles espoused the cause of the Confederacy, while others remained loyal to the Union, a number enlisting in the national army.

There are no towns or villages of importance in the Seminole Nation, the largest being the capital, Wewoka, which contains one store and post office, the council house, a small frame structure of two rooms, a small steam corn mill, and cotton gin, and not over 25 people all told.

GOVERNMENT.—The government is the most primitive in The Five Civilized Tribes, and consists of a principal chief, second chief, treasurer, superintendent of schools, elected by the people, and a council composed of 14 clan chiefs, which acts in a dual capacity as legislature and judiciary. There is no secretary or auditor, or person officiating as such.

LAWS.—They have no published laws, and few records are preserved of the legislative or judicial proceedings. What laws they have are written in a book preserved by the chief, and respecting crimes and punishments they are identical with those of their Creek neighbors, save that here the chief is divested of the pardoning power.

Of the commercial interests of this country little can be said, save that the entire business of the nation is

substantially controlled by the chief and the treasurer, who handle all of the stores and supply the people with merchandise.

MONEY.—There is very little money in circulation, and duebills issued at the stores in denominations corresponding to United States coins pass as currency.

SCHOOLS.—The public schools are 4 in number, and there are 2 mission schools. The latter are institutions of long standing in the Seminole country, are ably officered and conducted, have honorable records, and have accomplished much good.

MECHANICAL ARTS.—Like the Creek women, the Seminole women formerly manufactured baskets and sifters for gathering and cleaning corn, and a coarse variety of pottery for domestic use, but they were very crude, and with the advent of the trader and better wares, the manufacture of even such as they made has been largely discontinued, and their earthenware especially is very scarce.

The average Indian has already accomplished much as he passes from his primitive life into the civilization of his white neighbors.

The old Indians do not take kindly to the new ideas and ways, but the rising generation gives promise of a civilization more in keeping with the age.